



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Proposals for Implementing a Customer Charter Consultation

Consultation

**Reference:** ComReg 23/14

**Version:** Final

**Date:** 16/03/2023

## Legal Disclaimer

This Consultation is not a binding legal document and also does not contain legal, commercial, financial, technical or other advice. The Commission for Communications Regulation is not bound by it, nor does it necessarily set out the Commission's final or definitive position on particular matters. To the extent that there might be any inconsistency between the contents of this document and the due exercise by it of its functions and powers, and the carrying out by it of its duties and the achievement of relevant objectives under law, such contents are without prejudice to the legal position of the Commission for Communications Regulation. Inappropriate reliance ought not therefore to be placed on the contents of this document.

# Content

Section	Page
1 Executive Summary .....	5
1.1 Background .....	5
1.2 Overview of our proposals.....	6
2 Introduction .....	10
2.1 Purpose of this document.....	10
2.2 Background .....	10
2.3 Structure of this document.....	12
3 Customer Service in the Irish Electronic Communications Services Market .	14
3.1 Overall level of customer service.....	14
3.2 Transparency around the level of customer service customers can expect .....	17
3.3 Summary and preliminary conclusions .....	18
4 Proposed Approach to Implementing Charter Requirements .....	21
4.1 Options for Charter requirements .....	21
4.2 Proposed phased approach to introducing a Charter .....	22
5 Proposed Charter Requirements .....	24
5.1 Overview .....	24
5.2 Which providers Charter requirements will apply to .....	25
5.3 Which classes of end-user the Charter will address .....	28
5.4 High-level nature of Charter contents .....	29
5.5 Charter form requirements .....	31
5.6 Publishing and updating a Charter .....	35
5.7 Notifying customers about the Charter .....	37
6 Proposed Charter Content and Form requirements.....	39
6.1 Overview .....	39
6.2 Proposed content and form requirements for Charter content.....	39
6.3 Core customer service (query handling).....	41
6.4 Complaint handling.....	43
6.5 Connections .....	43
6.6 Billing and refunds.....	46

6.7	Outages and repairs .....	47
6.8	Disconnection for non-payment of bills.....	49
6.9	Switching services .....	50
7	Evaluating and Reporting Performance Against Charter Commitments .....	52
7.1	Overview .....	52
7.2	Evaluating performance against Charter commitments.....	52
7.3	Reporting and auditing of performance .....	53
7.4	Data dictionary and reporting template.....	56
8	Draft Regulatory Impact Assessment .....	61
8.2	Step 1: Describe the policy issues and identify the objectives.....	62
8.3	Step 2: Identify and describe the regulatory options.....	63
8.4	Steps 3 and 4: Determine the impacts on stakeholders and competition .....	70
8.5	Step 5: Assess the impacts and choose the best option .....	89
9	Next Steps.....	103
	Appendix 1: Draft Decision Instrument.....	104
	Schedule 1: Customer Charter Template.....	110
	Schedule 2: Requirements for Completing the Customer Charter Template.....	111
	Schedule 3: Customer Charter Data Dictionary and Reporting Template .....	122
	Appendix 2: Customer Charter Consumer Survey Results.....	123
	Appendix 3: List of Consultation Questions .....	124

# 1 Executive Summary

## 1.1 Background

- 1.1 Customer service is a vital aspect of a customer's experience in any service industry. In a well-functioning, competitive market, quality of service – including customer service, as distinct from technical quality of service – should be a key aspect that service providers compete on to attract and retain customers. However, the electronic communications market in Ireland continues to be characterised by consumer dissatisfaction with customer service received from service providers.
- 1.2 Issues including long call answering times, overcharging, and issues with switching service providers and porting numbers, are frequently reported in the media, and have been the subject of multiple Oireachtas Committee discussions in recent years.<sup>1</sup> The number of complaints made to the Commission for Communications Regulation (“ComReg”) about service providers has been falling from the peak reached during the coronavirus pandemic. However, this does not represent the complete picture, and evidence (as set out in chapter 3) suggests there is still room for improvement.
- 1.3 ComReg has identified two overarching factors contributing to customer service issues:<sup>2</sup>
- a lack of transparency around the quality of customer service, and
  - a lack of commitments made by service providers as to the specific level of customer service they offer their customers.
- 1.4 New legislation introduced by the Government, the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023<sup>3</sup> (“the Act”), among other things, provides for ComReg to seek to introduce new regulatory requirements to address issues arising, so that end-users are protected.
- 1.5 Measures to assist consumers and other end-users (including microenterprises, small enterprises and not-for-profit organisations) under the Act include minimum

---

<sup>1</sup> As noted in opening remarks by the Minister of State at the Department of the Environment, Climate and Communications at the Dáil Éireann second stage debate on the Communications Regulation Bill 2022 (5 October 2022). Accessed [online](#).

<sup>2</sup> In this consultation, by ‘customer service’ we refer not only to the core customer service elements of handling customer queries, issues and complaints, but more broadly to the non-technical elements making up the service a customer receives from their service provider. These include processes around billing and providing any refunds, communication during any service outages, and the connection, switching and disconnection processes.

<sup>3</sup> Published but not yet commenced.

quality of service standards to be met by providers of internet access services (“IAS”) or publicly available interpersonal communications services (“ICS”) when providing such services to end-users, as ComReg may specify (“Minimum Quality of Service Standards”) and, a Customer Charter (“Charter”). The Charter is a document that providers of IAS and ICS may be required by ComReg to prepare, publish and keep updated, that would aim to give end-users one easily accessible and comparable place to get information (“one-stop-shop”) as to the level of customer service offered by a provider of IAS and ICS.

1.6 ComReg’s objective is to facilitate effective competition and choice.

1.7 ComReg is focused on creating transparency of customer service levels for electronic communications customers in Ireland. A Charter developed in line with our proposals would, in ComReg’s preliminary view, provide information and increase awareness among customers as to the level of customer service offered by a provider of IAS and ICS. When providers offer commitments in relation to level of customer service, customers would be better informed and understand what level of customer service they can expect from their provider of IAS and ICS. It would also make it easier for customers to compare the level of customer service across different providers. This would help enable customers to make better, more informed choices and more effectively choose the provider who promises to deliver them the best overall service. Creating transparency around the competitive dynamic between service providers when it comes to levels of customer service would also support competition to work more effectively. ComReg welcomes feedback from stakeholders on all our proposals and look forward to engaging throughout the consultation period.

## 1.2 Overview of our proposals

### 1.2.1 Proposed Introduction of a Charter

1.8 Having regard to the policy context and objectives for a Charter, as set out in chapter 3, including, to create transparency around the levels of customer service providers may offer, ComReg proposes, subject to this consultation, that it exercise its powers under the Act and seek to introduce Charter requirements on providers of IAS and or ICS to prepare, publish and keep updated a Charter.

### 1.2.2 Proposed approach to implementing Charter requirements

1.9 ComReg will have the power to specify Minimum Quality of Service Standards for providers of IAS and ICS to meet as regards customer service in respect of seven explicit categories under section 37 of the Act. These categories are:

- Core customer service (query handling),

- Complaint handling,
- Connections,
- Billing and refunds,
- Outages and repairs,
- Disconnection policy in case of non-payment of bills, and
- Switching services.

- 1.10 However, ComReg considers that it would be appropriate that providers (of IAS and ICS) would have the flexibility to choose whether to offer or not their own customers specific levels of customer service (referred to in this consultation as provider-set commitments) in the first instance. ComReg proposes to set Charter parameters at a high level (as set out in chapters 5 to 7) and ask providers (of IAS and ICS) to articulate the commitments (if any) they will make. It is expected they would be incentivised to compete on any specific commitment around customer service with the introduction of Charter requirements.
- 1.11 ComReg has the power to specify Minimum Quality of Service Standards under section 37 of the Act, section 38 of the Act separately gives ComReg the power to specify the form and the information required to be included in a Charter, including Minimum Quality of Service Standards. ComReg considers subject to this consultation, that, a phased approach to implementing a Charter is appropriate and proportionate, in light of our statutory objectives and objectives for a Charter. In addition, ComReg proposes that, in accordance with Section 38 2(a) of the Act, provider-set commitments are articulated within parameters set by ComReg. This approach to content and form of a Charter is geared towards ensuring, on the one hand, a baseline level of comparability between different providers' Charters, while also allowing a provider flexibility to determine Charter content that works with their customer service models and ways of operating, minimising implementation costs.
- 1.12 Should ComReg proceed with introducing a Charter, ComReg will monitor and evaluate implementation of the Charter requirements and the levels of customer service committed to and implemented by providers for their adequacy ("adequacy review"). Without prejudice to the power to impose Minimum Quality of Service Standards at any time, following an adequacy review, should ComReg consider that the level of customer service committed to and/or implemented by some or all providers of IAS and ICS does not ensure effective consumer protection or that the Charter objectives are met, ComReg may seek to move to the specification of Minimum Quality of Service Standards, subject to further consultation. Furthermore, ComReg may seek to update Charter requirements and may seek to require any Minimum Quality of Service Standards information is included in a Charter.

- 1.13 Moving straight to imposing ComReg specified uniform Minimum Quality of Service Standards on providers of IAS and ICS in the first instance, may reduce incentives for providers to compete on quality of customer service. It is therefore proposed, subject to this consultation, to take a phased approach to implementing Charter requirements (as set out in chapter 4), starting with introducing a Charter which would contain provider-set commitments on levels of customer service (according to parameters set by ComReg).

### 1.2.3 Proposed Charter requirements

- 1.14 Whether ComReg should proceed to require a Relevant Service Provider to have a Charter, this is subject to consultation. ComReg also proposes to specify certain requirements for implementing a Charter which are also subject to this consultation. ComReg's proposals for Charter requirements, are set out in this consultation and the draft decision instrument and schedules at Appendix 1, and in summary are:

#### Scope and Application

- Charter requirements would apply to providers of IAS and number-based ICS with a market share of 0.5% or greater ("Relevant Service Providers").
- Relevant Service Providers will be required to prepare, publish, and keep updated a Charter that addresses end-users that are consumers, microenterprises, small enterprises and not-for-profit organisations ("Relevant Customers").

#### Preparation of a Charter

- Where a Relevant Service Providers will be required to prepare, publish, and keep updated a Charter, it is proposed that would be according to a proposed ComReg-specified form – a Customer Charter template in Schedule 1 at Appendix 1 and, according to requirements proposed to be specified for completing that template within Schedules 2 and 3 at Appendix 1.
- A Charter will include certain required information and, in the form, specified by ComReg. Within each sections/headings of the Charter template (in respect of the explicit categories under section 37 of the Act), the information required by ComReg to be included in a Charter consists of two categories: (i) general information on providers' customer service policies and/or procedures, and (ii) specific provider-set commitments. As regards provider-set commitments offered, they ought to would be framed as the level of customer service an individual customer can expect to receive, In addition it is proposed that provider-set commitments would be expressed within a ComReg-specified wording (according to Schedule 2 at Appendix 1) and in terms of metrics defined (according to a 'Data Dictionary' in Schedule 3: "Customer Charter Data Dictionary and Reporting Template", at Appendix 1). It is proposed that Relevant Service Providers could choose not to

make specific commitments, but in that case would be required to make an explicit statement to this effect.

- A three-month implementation period is proposed following the publication of a ComReg final decision (envisaged at this time by the end of June 2023),<sup>4</sup> for providers to prepare and publish their Charter (“initial Charter”).

### Publication and notifying customers

- The proposals would mean that Relevant Service Providers will be required to publish their initial Charter on their websites on 2 October 2023. Relevant Service Providers may update Charter content on the first working day of each calendar quarter after their publication of the initial Charter.
- It is proposed that a Relevant Service Provider would be required to ensure all Relevant Customers are made aware of the existence of its Charter and how to obtain a copy. Relevant Service Providers would also be required to make the Charter available in accessible forms, and to provide copies of the Charter to customers on request.

### Measuring and reporting on performance against commitments offered

- It is proposed that a Relevant Service Provider would be required to monitor their actual performance against Charter commitments if offered and, also report this to ComReg on a quarterly basis, according to a ComReg-specified form – a data dictionary and reporting template (“Customer Charter Data Dictionary and Reporting Template”, Schedule 3 of the draft decision instrument).
- For the first performance report (which is envisaged at this stage would cover Q4 2023), and each year thereafter, it is proposed that a Relevant Service Provider would be required to arrange and pay for or the performance report to be independently audited and submit an audit statement to ComReg alongside the performance report.

1.15 This consultation sets out our proposed approach and rationale in more detail and seeks views from stakeholders on both our high-level proposed approach and, specific proposed requirements, for a Charter.

1.16 A number of questions are posed throughout this consultation and compiled in Appendix 3 of this document. ComReg would welcome views on these and any relevant matters (including evidence and reasoning). Following this consultation, ComReg envisages that a response to consultation, final decision, and final decision instrument will be issued by the end of June 2023.

---

<sup>4</sup> Dates indicated in the consultation are on the basis ComReg anticipates, in accordance with our Consultation Process, that ComReg will be in a position to make a decision by the end of June 2023. However, the dates are subject to the Consultation process and may change.

## 2 Introduction

### 2.1 Purpose of this document

- 2.1 This document sets out ComReg’s proposals to seek to introduce requirements for providers of IAS and ICS to prepare, publish and keep updated a Charter. A Charter will be a document setting out information (“one-stop-shop”) as to the level of customer service offered by a provider of IAS and ICS.

### 2.2 Background

- 2.2 In a well-functioning, competitive market, service providers should compete on price and on quality of service to attract and retain customers. However, in the current electronic communications service market, in general there is a lack of transparency around the quality of customer service, and a lack of commitments made by service providers on the specific level of customer service they offer their customers. This can make it difficult for customers to know what level of customer service they can expect from their own provider, or compare the customer service offers made across service providers, for example when considering switching to a different provider.
- 2.3 Besides general issues around a lack of transparency, the electronic communications service market has also been characterised by a number of customer service issues in recent years. This was particularly evident during the coronavirus pandemic, where many customers experienced long call waiting times and delays in their queries being dealt with.
- 2.4 The Act provides for ComReg to take a stronger regulatory and consumer protection role. As well as implementing key measures from the European Electronic Communications Code (“the Code”)<sup>5</sup> the Act contains a number of new consumer protections, some of which ComReg will be able to use to “*seek to address identified customer service issues that are routinely resulting in low customer satisfaction in the sector*”.<sup>6</sup>
- 2.5 The Act provides for ComReg to set Minimum Quality-of-Service Standards that providers of IAS and ICS must meet, and furthermore provides that ComReg may require providers of IAS and ICS to include information in a customer Charter as regards any Minimum Quality-of Service Standards specified. As discussed above,

---

<sup>5</sup> Official Journal of the European Union (2018), Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code. Accessed [online](#).

<sup>6</sup> As noted in the opening statement of Department of the Environment, Climate and Communications at a Joint Committee on Transport and Communications debate as part of pre-legislative scrutiny of the Bill (23 February 2022). Accessed [online](#).

ComReg is cognisant however that service providers can voluntarily make specific commitments in respect of levels of service that their customers may expect to get. In a well-functioning, competitive market, service providers should compete on price and on quality of service to attract and retain customers. However, in the current electronic communications service market, in general there is a lack of transparency around the quality of customer service, and lack of commitments made by service providers on the specific level of customer service they offer their customers.

- 2.6 In order to help ensure that the objectives for a Charter are met, and that consumers are protected, ComReg may require providers of IAS and ICS to establish a “customer charter” and which contains information in relation to the levels of customer service that a customer can expect from their service provider (i.e. in the first instance, information as to provider set commitments, if any) and other specified information. ComReg can specify the form of the information to be included in a Charter. In this regard, ComReg proposes (in respect of the explicit categories under section 37 of the Act), that the information required by ComReg to be included in a Charter consists of two categories: (i) general information on providers’ customer service policies and/or procedures, and (ii) specific provider-set commitments.
- 2.7 ComReg also proposes that Relevant Service Providers be required to provide a Charter within a form proposed by ComReg in this consultation, having regard to the objectives for a Charter, *inter alia*:
- (a) in accordance with a template (i.e., sections or heading in respect of explicit categories under section 37 of the Act) and,
  - (b) following proposed requirements for completing that template, express specific commitments offered within a ComReg-specified wording, as set out in Schedule 2 and, in terms of metrics defined and in accordance with the ‘Data Dictionary’ tab of the Data Dictionary, Schedule 3 at Appendix 1.
- 2.8 ComReg’s objective is to facilitate effective competition and choice. ComReg is focused on creating transparency of customer service levels for electronic communications customers in Ireland. A Charter developed in line with our proposals would, in ComReg’s preliminary view, provide information and increase awareness among customers and help them understand what level of customer service they can expect from their provider of IAS and ICS. It would also make it easier for customers to compare the level of customer service across providers. This would enable customers to make better, more informed choices and more effectively choose the provider who promises to deliver them the best overall service. This consultation sets out ComReg’s considerations as to whether and how ComReg may exercise its new powers under the Act as regards a Charter and seek to implement the new measure to assist consumers and other end users, starting with introducing a Charter which would contain provider-set commitments on levels of customer service offered

by providers of IAS and ICS (according to parameters set by ComReg).<sup>7</sup>

## 2.3 Structure of this document

2.9 The structure of this document is as follows:

- **Chapter 3** sets out details of the current status of customer service in the Irish electronic communications services market and identifies key issues to be addressed by the introduction of a Charter,
- **Chapter 4** sets out the high-level approach ComReg proposes to take to introducing requirements for providers to develop and publish a Charter,
- **Chapter 5** sets out proposed overarching Charter requirements and content,
- **Chapter 6** sets out proposed Charter content,
- **Chapter 7** sets out proposals for how ComReg would evaluate and report provider performance against any Charter commitments,
- **Chapter 8** contains a draft Regulatory Impact Assessment for the options considered in this consultation, and
- **Chapter 9** sets out next steps.

2.10 The Appendices to this consultation are:

- **Appendix 1** contains the draft decision instrument and associated schedules 1-3. Schedule 1 is the proposed Customer Charter template; Schedule 2 sets out the requirements for completing the Customer Charter template, and Schedule 3 contains the Customer Charter Data Dictionary and Reporting Template (which is an Excel workbook published alongside this consultation, setting out proposed defined metrics for provider set commitments offered and performance reporting requirements for the Charter).
- **Appendix 2** attaches the results of a consumer survey around key issues relating to the Customer Charter, carried out in May-June 2022 and November 2022.

---

<sup>7</sup> ComReg is consulting on the proposed Charter on the basis of the provisions in the Act and will make a final Decision after the Act comes into force, as appropriate.

- **Appendix 3** contains the compiled list of all questions asked throughout this consultation.

## 3 Customer Service in the Irish Electronic Communications Services Market

- 3.1 In ComReg's 2021-23 Electronic Communications Strategy Statement, one of the key strategic intents is that consumers can choose and use electronic communications services ("ECS") with confidence.<sup>8</sup> As part of delivering this, an important goal is ensuring that all consumers are supported by clear, accurate and up to date information throughout the consumer journey.
- 3.2 When customers are choosing and using services, there are several factors to consider. While price and technical quality of service (e.g., broadband speeds or mobile network coverage) are often forefront of mind, the quality of customer service a customer gets from their provider is also an important factor contributing to the overall customer experience and level of satisfaction.
- 3.3 In this context, by 'customer service' ComReg refers not only to the core customer service elements of handling customer queries, issues and complaints, but more broadly to the non-technical elements making up the service a customer receives from their service provider. These include processes around billing and providing any refunds, communication during any service outages, and the connection, switching and disconnection processes.
- 3.4 In this chapter ComReg sets out the available evidence around customer service levels in the Irish electronic communications services market, including availability and transparency of information about levels of customer service.

### 3.1 Overall level of customer service

- 3.5 The communications sector has historically ranked among the lowest for customer service in Ireland, according to The CX Company's annual Ireland Customer Experience Reports.<sup>9</sup> In the 2021 report, all communications brands in the report saw declines in their scores for the 'You Fix Things' emotional driver, suggesting reduced customer satisfaction in the way issues are handled by service providers.<sup>10</sup> The main message for the communications sector coming out of the 2022 report<sup>11</sup> was that

---

<sup>8</sup> ComReg (2021), Electronic Communications Strategy Statement 2021 to 2023. Accessed [online](#).

<sup>9</sup> In the 2019, 2020 and 2021 reports, the communications sector ranked last out of all sectors (11) covered in the report. However, in the 2022 report, the communications sector moved up one place to tenth. Reports accessed [online](#).

<sup>10</sup> The CX Company (2021), CXi Ireland Customer Experience Report 2021. Accessed [online](#).

<sup>11</sup> The CX Company (2022), CXi Ireland Customer Experience Report 2022. Accessed [online](#).

‘delivering on promise’ remains a challenge for the sector – indicating that communications brands may need to reassess how they position their prices and plans to better manage, meet and exceed customer expectations.

3.6 Looking at sector-specific data, two metrics that provide insight into the overall level of customer service received are customer satisfaction and complaints data.

### 3.1.1 Customer satisfaction

3.7 The results of a recent ComReg ‘Consumer Confidence & Awareness’ survey show that when customers were asked about the extent to which they were satisfied that the service they signed up to had met their expectations and needs, the mean score was 7.9 out of 10 for mobile phone service and 7.71 out of 10 for home broadband service.<sup>12</sup> These scores reflect all aspects of service, including customer service.

3.8 Of the 28% of surveyed customers who reported ever contacting their mobile phone service provider with a query or complaint, 66% said their impression of the provider was broadly positive, while 17% reported a broadly negative impression. The figures were similar for home broadband – of the 41% of surveyed customers who had ever contacted their provider with a query or complaint, 63% reported a broadly positive impression and 20% a broadly negative impression. These figures suggest that while the majority of customers report being generally satisfied, there is a significant minority that are not.

3.9 These findings are also echoed in responses when customers were asked how easy it was to interact with their provider. While the mean score was 7.23 out of 10 for mobile providers and 7.06 out of 10 for home broadband providers (where 1 is very difficult and 10 is very easy), around a third of respondents scored their provider a 6 or lower (28% for mobile and 33% for broadband). These figures increased with older demographics, for example 43% of respondents aged 65+ rated their ease of interacting with their mobile provider as 1-6, as did 42% of respondents aged 50-64 when asked about their broadband provider. This suggests that older customers particularly have challenges when contacting and interacting with their providers.

3.10 ComReg notes a general trend of providers steering customers to interact via online and automated channels. Providers’ “contact us” webpages tend to signpost online channels first or more prominently than phone channels, for example with statements such as “save time, find your answer online” or “even if you need to speak to us regarding your issue, by using [our website] first [...] you’ll resolve your issue much faster than if you called in the first instance”. This may be a factor explaining the challenges that older cohorts have in contacting their provider, and could lead to

---

<sup>12</sup> Appendix 3 to this consultation document, ‘Customer Charter Consumer Survey Publication’, survey carried out by Behaviour & Attitudes (B&A) in May-June 2022 and November 2022.

customers avoiding contacting customer service for more minor issues.

### 3.1.2 Customer complaints

3.11 If customers have a query or issue, their service provider is usually their first port of call. ComReg also has a Consumer Care team that provides information to consumers who contact us with queries, and supports customers with certain complaints that have been raised with service providers. ComReg records the number of contacts made to its Consumer Care team, and publish high-level statistics on a quarterly basis.

3.12 Figure 1 shows the number of ECS complaints received by ComReg’s Consumer Care Team each quarter from the start of 2020 to the end of 2022. This particularly highlights problems during the coronavirus pandemic, where many customers experienced long call waiting times and delays in their service providers dealing with queries and complaints, resulting in an increase in complaints made to ComReg.

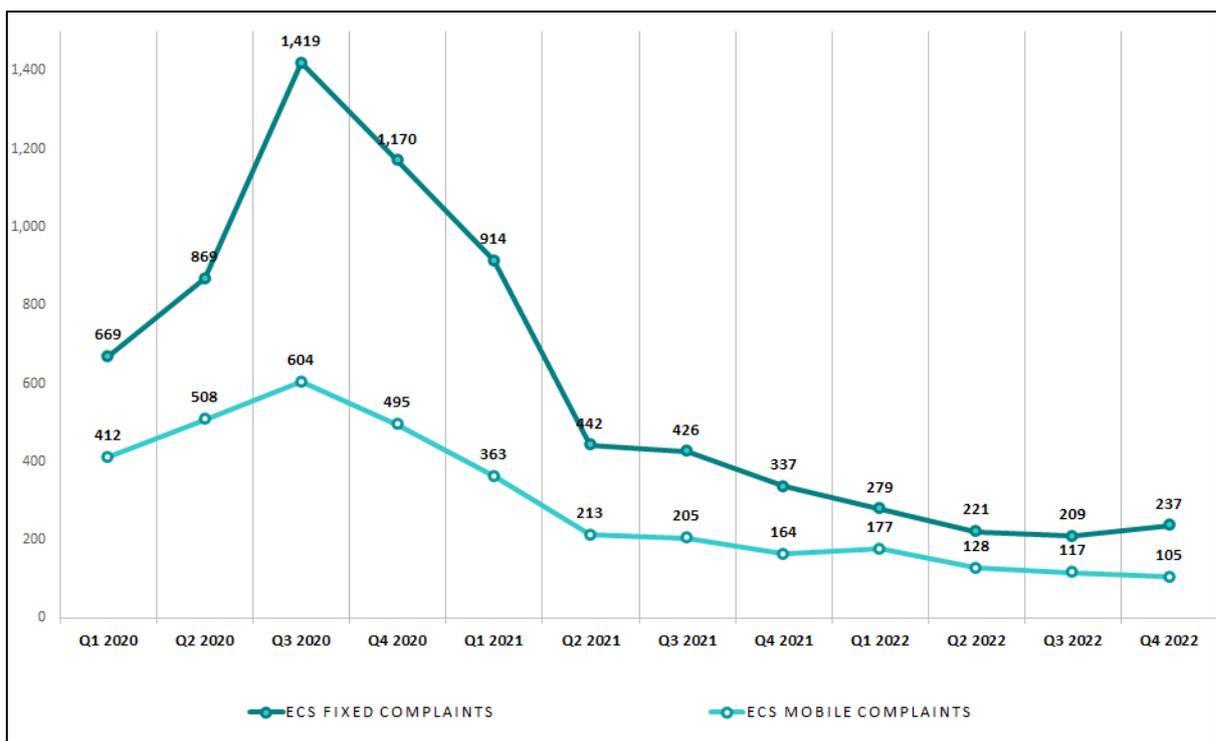


Figure 1 ECS complaints made to ComReg. Source: ComReg data

3.13 While complaint numbers to ComReg have subsequently reduced, and are now at pre-pandemic levels, this does not necessarily show the whole picture. ComReg does not yet monitor the level of complaints made directly to service providers, and so we do not have visibility over the volume of complaints providers receive directly and deal with to a customer’s satisfaction. However, from social media sentiment relating to electronic communication service providers, it is clear that customers do still regularly encounter issues and frustrations, particularly relating to customer

service.

- 3.14 Consumers who contact ComReg's Consumer Line via phone are presented with the option to provide feedback through a phone or e-mail survey. One survey question pertains to the consumer's experience with their operator (for complaints only). Consumers are asked to rate their satisfaction with how their operator handled their issues before the consumer contacted ComReg, on a scale of 1 to 5 (where 1 expresses dissatisfaction and 5 expresses satisfaction). Between Q3 2021 and Q4 2022, consumers responding to the survey by phone reported an average score of 3.3 out of 5, and consumers responding via email reported 2.5 out of 5 on average.<sup>13</sup>
- 3.15 Although it is reasonable to expect that consumers escalating a complaint to ComReg would not be satisfied with the way their provider handled the issue, this does suggest there is room for improvement in the way providers manage issues.

## 3.2 Transparency around the level of customer service customers can expect

- 3.16 When a customer is shopping around for a new service and/or provider, there are tools available to support them in finding and comparing information on the price of different offers and the main technical elements (e.g., amount of data included, or broadband speed). However, there is comparatively less transparency around the level of customer service a customer can expect from their provider, both in terms of general information available and articulated standards about specific levels of service a provider commits to deliver or offer.
- 3.17 Provider websites do tend to contain a lot of information about certain aspects of the service offered. However, websites can be difficult to navigate, and it can be hard to locate specific information, even if you know what you are looking for. For example, some information can only be located by a Google search rather than using the search functionality of a provider's website. This is supported by ComReg survey results, where only 39% of respondents aged over 65 agreed with the statement that their mobile provider's website is easy to navigate.<sup>14</sup>
- 3.18 Furthermore, ComReg asked respondents about the ease of finding five specific pieces of information from their mobile service provider (where 1 is very difficult and 10 is very easy).<sup>15</sup> Across all respondents, the mean score ranged from 6.2 to 7 out

---

<sup>13</sup> Analysis from ComReg Consumer Line Statistics Reports between Q3 2021 and Q4 2022. Reports available [online](#).

<sup>14</sup> Appendix 3 to this consultation document, 'Customer Charter Consumer Survey Publication', survey carried out by Behaviour & Attitudes (B&A) in May-June 2022 and November 2022.

<sup>15</sup> Ibid. Respondents were asked about the ease of finding information about (a) how to contact their service provider if they have a query, (b) how long their service provider will take to respond to a query, (c) how to

of 10. However, this masks differences between age groups, with the mean score for respondents aged 65+ being consistently lower, ranging from 5.2 to 5.5 out of 10. For each question asked, around two thirds of respondents aged 65+ rated the ease of finding that information as a 6 or lower.

- 3.19 The amount of information available on different areas of customer service (explicit categories under section 37 of the Act) also varies. For example, many providers have very little information available on how customers can report faults or outages, and how they can get updates on service restoration times in the event of an outage. Information about connection and disconnection processes is another area where provider websites tend to include little detail.
- 3.20 Even in areas where information is provided around customer service, providers generally do not commit to specific standards of service they will provide. Where providers do make commitments around specific aspects of customer service, these are often couched with caveats and/or use language that does not give customers certainty around what they have a right to expect – for example, “refunds may take around 21 days to issue”, “we will aim to contact you within 10 working days” and “where updates are beyond our control [...] we will endeavour to keep you informed of progress”.

### 3.3 Summary and preliminary conclusions

- 3.21 Having regard to the preliminary evidence gathered from the various sources so far, there is scope for providers of IAS and ICS to be more transparent in the level of customer service offering they commit to providing their customers, and to focus on making meaningful improvements to customer service more generally, particularly ensuring that customers of all demographics can contact and interact with providers in a way that works for them.
- 3.22 ComReg considers that a Charter can address the aforementioned issues through two key objectives:
1. Creating transparency around the levels of customer service providers offer, and
  2. Driving improvements in overall customer service levels.

---

raise a query regarding their bill or pay as you go credit and how to obtain a refund, where applicable, (d) how to report a service outage or receive updates during an outage and (e) their service provider’s Code of Practice for Complaint Handling.

### 3.3.1 Objective 1: Create transparency around the levels of customer service providers offer

- 3.23 ComReg considers that a Charter can create transparency around levels of customer service in several ways. A Charter can improve the information available to customers on their provider's customer service, for example by including information that is currently not available on provider websites. It can also act as a 'one stop shop' for key information about customer service, thus addressing some of the previously identified challenges around navigating provider websites.
- 3.24 When asked to rate the statement "*I would find it useful to have a single document that provides me with clear, accessible info regarding my mobile phone provider's customer service commitments*", 80% of survey respondents agreed or strongly agreed.<sup>16</sup> This supports ComReg's overarching proposal to introduce Charter requirements, and suggests that customers would find such a document useful.
- 3.25 ComReg also aims to use the Charter to require customer service levels in the ECS sector to be articulated as standards – whether reflected through commitments to a particular level of customer service offered by a provider to their customer, or Minimum Quality of Service Standards that may be specified by ComReg and which providers of IAS and ICS would be required to achieve (if so decided). Regardless of the approach to implementing a Charter, it is ComReg's preliminary view that requiring a Relevant Service Provider to have a clearly articulated level of customer service will help create transparency for customers around what levels of customer service they can expect from their provider.
- 3.26 Designing a Charter to be comparable across providers is a key consideration to creating transparency. If customers could compare customer service commitments between providers, this would support customers in making a better and more informed choice about the most appropriate provider for them.

### 3.3.2 Objective 2: Drive improvements in overall customer service levels

- 3.27 ComReg also considers that implementing a Charter can improve the standard of customer service that customers get from their service providers. Creating transparency around customer service standards can stimulate competition, both by customers being more confident in engaging with the market due to receiving more transparent and reliable information on customer service levels, and providers being incentivised to compete on levels of customer service. It is expected that together these factors would drive a more competitive dynamic, and so improvements in overall customer service levels by allowing customers more effectively choose the

---

<sup>16</sup> Ibid.

provider who promises to deliver them the best overall service.

**Q. 1 Introducing Charter requirements:** Do you agree with the proposal that ComReg should introduce requirements for providers of IAS and ICS to prepare, publish and keep updated a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 4 Proposed Approach to Implementing Charter Requirements

### 4.1 Options for Charter requirements

4.1 Section 38 of the Act states that:

“(1) The Commission may require providers of internet access services or publicly available interpersonal communications services to prepare, publish and keep updated a document to be entitled, and referred to in this Act as, a “customer charter”.

(2) The Commission may specify—

(a) the form of a customer charter and the information required to be included in a charter, including minimum quality-of-service standards under section 37”.

4.2 Given ComReg’s objectives for the Charter, as set out in chapter 3 and in the draft Regulatory Impact Assessment (“RIA”), and its ability to specify the information required to be included in a Charter (including any Minimum Quality-of-Service Standards set by ComReg in line with section 37 of the Act), a key consideration is the extent to which standards are determined by providers or by ComReg. Four options have been identified and considered:

- **Option 1:** Do nothing (do not introduce a Charter)
- **Option 2:** Introduce a Charter containing provider-set commitments
- **Option 3:** Introduce a Charter containing ComReg-set Minimum Quality of Service Standards, and
- **Option 4:** Introduce a Charter containing a combination of provider-set commitments and ComReg-set Minimum Quality of Service Standards.

4.3 Section 8.4.2 of the draft RIA assesses the above options in terms of potential impacts on industry, customers, and competition. In summary, ComReg considers that **option 2** would be most appropriate as an intervention at this stage. Having regard to the aforementioned objectives for a Charter, this option would support competition to work more effectively, by creating transparency around the competitive dynamic between service providers when it comes to levels of customer service. By allowing providers to set commitments that are tailored to their individual business operations, this option would minimise regulatory burden and cost of implementation.

## 4.2 Proposed phased approach to introducing a Charter

- 4.4 Given this assessment, ComReg is proposing to take a phased approach to implementing Charter requirements. ComReg considers this approach would be more proportionate as an intervention at this stage and a way to meet the objectives for a Charter, as set out in section 3.3 and section 8.2 of the draft RIA.



- 4.5 In a **phase 1**, it is proposed to introduce Charter requirements on providers of IAS and ICS, to prepare, publish and keep updated a Charter. ComReg proposes to define Charter parameters (as regards form and content) at a high level and ask providers of IAS and ICS to set out the commitments (if any) they will make in relation to customer service in respect of the explicit categories under the Act (**option 2**). Under this approach, providers would have the flexibility to set their own level of customer service and include information on these in a Charter, within parameters defined by ComReg (Chapters 6 and 7). It is envisaged that this approach will help ensure a baseline level of comparability between different providers' Charters, meeting the first Charter objective of transparency. It will also allow providers to determine Charter content that works with their customer service models and ways of operating, and compete with other providers on quality of service. This could help deliver the second Charter objective of improving overall customer service levels across the market.
- 4.6 This consultation sets out proposed Charter requirements for implementation of the Charter containing provider-set commitments (within parameters defined by ComReg) in the first instance. Subject to this consultation, ComReg is currently proposing that the Charter would be published on 2 October 2023.
- 4.7 Should ComReg proceed with introducing a Charter, ComReg, as part of a **phase 2**, will commence an adequacy review. ComReg will review the commitments made (if any) by providers of IAS and ICS in their Charters. ComReg will review whether providers have delivered on those commitments, via a provider-led audit and reporting (discussed in chapter 7). ComReg will evaluate implementation of the Charter requirements and the levels of customer service committed to and implemented by providers for their adequacy. The aim of an adequacy review would be to establish whether the Charter containing the level of customer service committed to and/or implemented by some or all providers of IAS and ICS ensures that the Charter objectives are met and that consumers sufficiently protected.

- 4.8 If ComReg proceeds with implementing a Charter in line with the proposals in this consultation, providers of IAS and ICS would also be required to report to ComReg on their performance against their Charter commitments, if any, for the initial Charter (containing commitments for Q4 2023) by the end of Q1 2024. ComReg would therefore propose to start a phase 2 in early 2024, using provider reporting as one input into an assessment of Charter adequacy.
- 4.9 Without prejudice to the power to impose Minimum Quality of Service Standards at any time, following an adequacy review, should ComReg consider that the level of customer service committed to and/or implemented by some or all providers of IAS and ICS are not effective in ensuring that the Charter objectives are met and consumers sufficiently protected, ComReg may seek to move to the specification of Minimum Quality of Service Standards. Furthermore, ComReg may seek to update Charter requirements and may seek to require any Minimum Quality of Service Standards information is included in a Charter (subject to a consultation, possibly moving to option 3 or 4 outlined above). Any proposals to seek to move to the specification of Minimum Quality of Service Standards, and/or seek to require any Minimum Quality of Service Standards information is included in a Charter, would be subject to further stakeholder consultation and RIA, a Phase 3.

**Q. 2 Overarching approach to introducing a Charter:** Do you agree with the proposal that the Charter will contain provider-set commitments, with ComReg to monitor and evaluate implementation of the Charter requirements and the levels of customer service committed to and implemented by providers for their adequacy before deciding whether to seek to move to the specification of Minimum Quality of Service Standards, and/or seek to require any Minimum Quality of Service Standards information is included in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions.

# 5 Proposed Charter Requirements

## 5.1 Overview

- 5.1 As discussed in chapter 4, ComReg is proposing to take a phased approach to introducing a Charter, starting with a Charter containing provider-set commitments, within parameters defined by ComReg.
- 5.2 Section 38 of the Act provides for ComReg to specify various aspects relating to a Charter, including:
- Which providers are required to prepare, publish and keep updated a Charter – providers of internet access services or publicly available interpersonal communications services (section 38(1)),
  - “The form of a customer charter and the information required to be included in a charter, including minimum quality-of-service standards under section 37” (section 38(2)(a)),
  - “The manner (including frequency) of updates required to a customer charter” (section 38(2)(b)),
  - “The classes of end-users that a charter is required to address” (section 38(2)(c)), and
  - “The manner (including frequency) in which a customer charter is required to be published and notified to customers” (section 38(2)(d)).
- 5.3 The Act also provides that ComReg may “where no minimum levels of quality of service are offered by a provider, require the provider to publish a statement to this effect in the customer charter or in such other form or manner as the Commission considers appropriate” (section 38(3)).
- 5.4 Therefore, this chapter sets out the requirements ComReg proposes to include in the draft decision instrument for a Charter, namely proposals for:
- Which providers of IAS and ICS Charter requirements will apply to,
  - Which classes of end-user the Charter will address,
  - The high-level nature of Charter contents,
  - Charter form requirements,
  - Publishing and updating a Charter, and

- Notifying customers about the Charter.

5.5 ComReg’s proposals on specific Charter contents are set out in chapter 6. ComReg’s proposals relating to evaluating provider performance against any Charter commitments offered and, proposed reporting and audit requirements, are set out in chapter 7. ComReg’s proposed positions on each of these charter requirements can be seen in the draft decision instrument, at Appendix 1.

## 5.2 Which providers Charter requirements will apply to

5.6 Section 38(1) of the Act provides that ComReg “may require providers of internet access services or publicly available interpersonal communications services” to prepare, publish and keep updated a Charter.

5.7 As set out in the European Union (Electronic Communications Code) Regulations 2022<sup>17</sup> (“the ECC Regulations”), IAS are defined by reference to the definition of that term in Article 2 of the Open Internet Access Regulation (EU) 2015/2120: “a publicly available electronic communications service that provides access to the internet, and thereby connectivity to virtually all end points of the internet, irrespective of the network technology and terminal equipment used”.

5.8 Interpersonal communications services (ICS) are defined in the Regulations as “a service normally provided for remuneration that enables direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons, whereby the persons initiating or participating in the communication determine its recipient(s) and does not include services which enable interpersonal and interactive communication merely as a minor ancillary feature that is intrinsically linked to another service”.

5.9 A distinction is made between number-based and number-independent ICS. The former means an ICS that “connects with publicly assigned numbering resources, namely, a number or numbers in a national or international numbering plan, or which enables communication with a number or numbers in a national or international numbering plan”, while the latter does not connect or enable communication with such numbers.

5.10 ComReg has considered in turn whether Charter requirements should apply to:

- **Option 1:** Providers of IAS,
- **Option 2:** Providers of number-based ICS, and/or

---

<sup>17</sup> European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022). Accessed [online](#).

- **Option 3:** Providers of number-independent ICS.

5.11 Consideration has also been given to whether Charter requirements should apply to:

- **Sub-option (a):** all providers within a given category set out above, or
- **Sub-option (b):** to providers over a certain threshold.

5.12 ComReg’s assessment of these options is set out in section 8.4.3 of the draft RIA. In summary, ComReg proposes to adopt **options 1 (sub-option b) and 2 (sub-option b)** in the first instance – that is, ComReg proposes that initial Charter requirements will apply to providers of IAS and number-based ICS, where such providers (“Relevant Service Providers”) serve 0.5% or more of the market they are active in, i.e. fixed voice, fixed broadband, mobile voice, mobile broadband.

5.13 Given that the Charter is a new regulatory intervention, ComReg considers that it is proportionate to target the Charter to where there is greatest evidence of poor customer outcomes – namely the providers of fixed and mobile internet and phone services that serve the majority of the population, as covered by the data in chapter 3.

5.14 ComReg proposes a threshold of 0.5% of the market, calculated on a subscription basis, based on data submitted to ComReg and published in our Quarterly Key Data Reports.<sup>18</sup> This would cover providers serving 100% of mobile voice and mobile broadband subscribers, 98.7% of fixed line voice subscribers and 96.3% of fixed broadband subscribers in Ireland (based on Q3 2022 data).

5.15 Section 3 of the draft decision instrument (scope and application) sets out the formulae that ComReg proposes are used to calculate market shares for each market, to assess whether Charter requirements apply to a provider of IAS and ICS. The proposal follows the way that market shares are currently calculated and reported in ComReg’s Quarterly Key Data Reports, set out further in Table 1 below. As ComReg does not publish individual market shares for providers with a market share smaller than 2%, the draft decision instrument (at Appendix 1) sets out formulae to enable providers to calculate their market shares in a uniform way.

**Table 1 Example of data inputs for market share calculation**

Draft decision instrument wording	Example of how this would be calculated
<b>Market share for a provider of fixed Internet Access Services</b>	
The total number of fixed broadband	From the data the provider reported to ComReg in

<sup>18</sup> Reports and data available [online](#).

Draft decision instrument wording	Example of how this would be calculated
subscriber lines the provider reported to ComReg in the 'QKDR Fixed Broadband Retail Questionnaire'	the 'QKDR Fixed Broadband Retail Questionnaire': <ul style="list-style-type: none"> <li>Sum of all broadband lines (which are entered on separate rows)</li> </ul>
<i>As a percentage of</i>	
The total number of fixed broadband subscriber lines across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg	'Total Fixed Broadband Subscriber Lines' from the '5 – Internet' tab of the tabular QKDR data (row 35)
<b>Market share for a provider of mobile Internet Access Services</b>	
The total number of dedicated mobile broadband subscriptions the provider reported to ComReg in the 'QKDR Mobile Questionnaire'	From the data the provider reported to ComReg in the 'QKDR Mobile Questionnaire': <ul style="list-style-type: none"> <li>Total Number of Dedicated Mobile Broadband Subscriptions (Dongle/modem/tablet data plans only) (Prepaid &amp; Contract) (business plus non-business)</li> </ul>
<i>As a percentage of</i>	
The total number of dedicated mobile broadband subscriptions across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg	'Mobile Broadband (MBB) Subscriptions – Total' from the '4 – Mobile' tab of the tabular QKDR data (row 49)
<b>Market share for a provider of fixed Number-Based Interpersonal Communications Services</b>	
The total number of fixed voice subscriptions the provider reported to ComReg in the 'QKDR Fixed Questionnaire'	From the data the provider reported to ComReg in the 'QKDR Fixed Questionnaire': <ul style="list-style-type: none"> <li>Fixed telephony subscriptions (non-residential plus residential)</li> </ul>
<i>As a percentage of</i>	
The total number of fixed voice subscriptions across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg	'Total Fixed Voice Subscriptions' from the '3 – Fixed Line' tab of the tabular QKDR data (row 35)
<b>Market share for a provider of mobile Number-Based Interpersonal Communications Services</b>	
The total number of mobile subscriptions (excluding mobile broadband and machine to machine subscriptions) the provider reported to ComReg in the 'QKDR Mobile Questionnaire'	From the data the provider reported to ComReg in the 'QKDR Mobile Questionnaire': <ul style="list-style-type: none"> <li>Total Number of prepaid subscribers at end of period plus</li> <li>Total Number of contract subscribers minus</li> </ul>

Draft decision instrument wording	Example of how this would be calculated
	<ul style="list-style-type: none"> <li>• Machine to Machine subscriptions (prepaid plus contract) minus</li> <li>• Total Number of Dedicated Mobile Broadband Subscriptions (Dongle/modem/tablet data plans only) (Prepaid &amp; Contract) (business plus non-business)</li> </ul>
<i>As a percentage of</i>	
The total number of mobile subscriptions (excluding mobile broadband and machine to machine subscriptions) across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg	'Mobile Subscriptions exc. MBB and M2M - Total **' from the '4 – Mobile' tab of the tabular QKDR data (row 43)

5.16 In accordance with the formulae in section 3 of the draft decision instrument, it is proposed that providers of IAS and/or number-based ICS would be required to assess themselves as to whether their market share is over the 0.5% threshold or not. This assessment would be done as of the first working day of every quarter, using data from the quarter of the most recently available Quarterly Key Data Report.

5.17 If a provider of IAS and/or number-based ICS passed the 0.5% threshold, they would be required to prepare and publish their initial Charter on the first working day of the next quarter. For example, all providers of IAS and number-based ICS would assess as of 3 July 2023 whether their market share was 0.5% or greater in each of the relevant markets, based on data from the Q1 2023 Quarterly Key Data Report. If it was, they would be required to publish an initial Charter on 2 October 2023.

Q. 3 **Providers that Charter requirements will apply to:** Do you agree with the proposal that Charter requirements will apply to providers of IAS and/or number-based interpersonal communications services with a market share of 0.5% or greater? If yes, please explain why and, if no, please provide specific alternative suggestions.

### 5.3 Which classes of end-user the Charter will address

5.18 Section 38(2)(c) of the Act provides for ComReg to specify “the classes of end-users that a Charter is required to address”. ComReg has considered which classes of end-user would most benefit from the availability of a Charter. Three options were considered:

- **Option 1:** All end-users<sup>19</sup>,
- **Option 2:** Consumers<sup>20</sup>, and
- **Option 3:** End-users that are consumers, microenterprises<sup>21</sup>, small enterprises<sup>22</sup> and not-for-profit organisations.<sup>23</sup>

5.19 ComReg’s assessment of these options is set out in section 8.4.4 of the draft RIA. In summary, ComReg proposes to adopt **option 3**, this is more proportionate than option 1 but extends the benefits of a Charter to microenterprises, small enterprises or not-for-profit organisations that have similar bargaining power as consumers.

5.20 This proposal would mean that providers would be required to have a Charter available with commitments that are relevant for all consumers, microenterprises, small enterprises and not-for-profit organisations. If certain aspects of a provider’s customer service differed between these groups of end-users (for example, if a provider offered different contact channels for non-residential users), a provider would need to make this clear within the single document.

Q. 4 **End-users that a Charter will address:** Do you agree with the proposal that providers will be required to prepare, publish and keep updated a Charter that address all consumers, microenterprises, small enterprises and not-for-profit organisations? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 5.4 High-level nature of Charter contents

5.21 Section 38(2)(a) of the Act provides that ComReg may specify “the information required to be included in a charter”.

5.22 Before considering specific Charter contents (Chapter 6), it is worth discussing the high-level nature of the content that could be included in the Charter. ComReg has

<sup>19</sup> “End user” is defined in the Regulations as “a user not providing public electronic communications networks or publicly available electronic communications services”.

<sup>20</sup> “Consumer” is defined in the Regulations as “any individual who uses or requests a publicly available electronic communications service for purposes which are outside his or her trade, business, craft or profession”.

<sup>21</sup> “Microenterprise” is defined in the Regulations as “a company with fewer than 10 employees and an annual turnover or balance sheet below €2 million”.

<sup>22</sup> “Small enterprise” is defined in the Regulations as “a company that is not a microenterprise and that has fewer than 50 employees and an annual turnover or balance sheet below €10 million”.

<sup>23</sup> “Not-for-profit organisation” is defined in the Regulations as “a body, organisation or association — (a) that provides its services on a not-for-profit basis, (b) that has been properly constituted in accordance with the law of the State or another Member State, and (c) whose objectives, as specified in the documents establishing the body, organisation or association concerned, are in the public interest”.

identified two main categories or options:

- **Option 1:** Information on providers' policies and/or procedures relating to key aspects of customer service (in respect of the explicit categories under section 37 of the Act). This could include appropriate use of links to information that a provider already publishes in a different location, so the Charter acts as a 'one stop shop', and
- **Option 2:** Specific commitments on the level of customer service (in respect of the explicit categories under section 37 of the Act) a provider offers its customers.

5.23 The details of these options are considered in sections 8.4.5 and 8.5.4 of the draft RIA. Given the RIA analysis and the stated objectives for the Charter, as set out in section 3.3, ComReg is proposing to specify that information required to be included in the Charter are the categories of information as set out in **options 1 and 2**. ComReg considers that including such information in a Charter will help create transparency by both providing information that is not currently readily available to customers on various aspects of customer service (**option 1**), and articulating customer service levels as specific commitments so that customers know what they can expect from their provider (**option 2**).

5.24 With regard to specific customer service commitments (option 2), ComReg also considered how these could be framed. Two sets of sub - options to option 2 were identified. The first relates to whether provider-set commitments are targets set for a period of time, or whether they can be updated during the period:

- **Sub-option 2a:** Commitments are set for a period of time and only updated for subsequent periods, i.e., targets against which a provider's performance can be measured, or
- **Sub-option 2b:** Commitments can be updated during the period, i.e., the Charter acts as a service status report.

5.25 Another set of sub-options relate to whether the commitments made by providers are averages that would be achieved across the whole customer base, or service levels that each individual customer would get:

- **Sub-option 2c:** A charter contains 'average' service level commitments across a provider's customer base, or
- **Sub-option 2d:** A charter contains service level commitments for individuals.

5.26 Again, these sub options as regards possible framing of any specific customer

service commitments are assessed in the draft RIA (section 8.4.5). In summary, ComReg proposes **sub-options 2a and 2d** in respect of specific customer service commitments offered. This would mean that a Charter would contain a provider's specific commitments (if any) as to the level of customer service an individual customer could expect to receive in a given period.

**Q. 5 High-level Charter contents:** Do you agree with the proposal that a Charter will contain both general information on providers' customer service policies, and specific commitments as to the level of customer service an individual customer can expect to receive in a given period? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 5.5 Charter form requirements

5.27 Section 38(2)(a) of the Act also provides for ComReg to specify "the form of a customer charter". There are principles ComReg considers are important that underpin proposed form requirements for a Charter, namely that:

- Charters are comparable between different providers – so customers can better make an informed choice if they compare customer service commitments between providers, and so performance against Charter commitments can be compared,
- It is easy for customers to locate a provider's Charter and understand what the Charter is and what it can be used for, and
- A Charter is clear, transparent and comprehensible – so customers can easily navigate and understand the content.

5.28 In order to ensure that a Charter delivers on these principles, ComReg has considered the extent to which Charter form requirements should be specified, with a range of options available:

- **Option 1:** Do not specify form requirements,
- **Option 2:** Specify principles to guide Charter form,
- **Option 3:** Specify limited prescriptive requirements, and
- **Option 4:** Set out a template for Charter form.

5.29 Having regard to the assessment in the draft RIA (section 8.4.6), ComReg proposes to adopt **option 4** and require that a Charter is prepared and published by Relevant Service Providers in accordance with a ComReg-specified template. In light of the objectives for a Charter, ComReg considers a template is important to ensure a level

of consistency and comparability across different service providers. ComReg does, however, want to allow providers a certain amount of flexibility within a template to tailor content and formatting to their brand and policies. The draft template proposed has been designed with the intention of striking this balance, as discussed below.

Q. 6 **Overarching Charter form:** Do you agree with the proposal that providers must prepare, publish and keep updated a Charter in accordance with a ComReg-specified template? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 5.5.1 Customer Charter Template Overview

5.30 The draft decision instrument at Appendix 1, **Schedule 1** contains a ComReg-specified template for a Charter. ComReg proposes a Relevant Service Provider ought to use that template as the basis on which to provide their Charter. The template sets out the overarching form and key elements of a Charter that ComReg proposes Relevant Service Providers must include when preparing and publishing a Charter:

- A clear heading with the exact wording “**Customer Charter**”. This is intended to ensure that a Charter is readily identifiable, and customers can search on a provider’s website or internet search engine if needed to locate a Charter (as per the second principle outlined in paragraph 5.27),
- **An introductory five sentences** following the exact wording specified in the template at Schedule 1. These sentences explain what the Charter is, that the Charter is a regulatory requirement, and how customers can locate and use an accessible copy. This is intended to ensure a Charter does not become a marketing tool used by providers. ComReg proposes that the introductory section of a Charter would signpost a ComReg webpage on the Charter, to support customers to know what the document is and what it can be used for (as per the second principle outlined in paragraph 5.27),
- Seven sections or headings (**in bold type font**), to be worded in exactly the way as specified in the template at Schedule 1, for each area of customer service the Charter will cover (discussed further in chapter 6). This will help end-users navigate the Charter and ensure a level of comparability between providers’ Charters (as per the first and third principles outlined in paragraph 5.27), and
- **An optional eighth heading** (in *italic* type font) for any other key information a provider wishes to include at the end of their Charter.

## 5.5.2 Proposed requirements for completing the Charter Template

5.31 The draft decision instrument at Appendix 1 and **Schedule 2** contains proposed requirements for completing the template. **Schedule 2** sets out proposed requirements on how a Relevant Service Provider would complete the Charter template. In summary, the requirements are:

- Form including formatting requirements (discussed in section 5.5.3), and
- Information/content that ComReg proposes should be required to be included in a Charter (as set out in section 5.4 above and discussed in detail in chapter 6), and
- Parameters for defining and measuring Charter commitments (in accordance with the 'Data Dictionary' tab of the Data Dictionary, Schedule 3 at Appendix 1) and
- Parameters for evaluating actual performance achieved as against Charter commitments offered (in accordance with the 'Data Dictionary' tab of the Data Dictionary, Schedule 3 at Appendix 1). This is discussed further in chapter 7.

5.32 At this stage, ComReg proposes that a Charter would contain provider-set commitments. If providers do not have policies in a given area (in respect of the explicit categories under the Act), or do not choose to offer specific customer service commitments within the parameters ComReg sets out, they would not be required to include such information in the Charter. However, they would be required to explicitly state in the Charter that they don't have relevant policies and/or that they do not offer specific commitments, so that customers can clearly see this is the case. This is in line with section 38(3) of the Act, which provides that "the Commission may, where no minimum levels of quality of service are offered by a provider, require the provider to publish a statement to this effect in the customer charter or in such other form or manner as the Commission considers appropriate".

5.33 Where providers of IAS and ICS do offer specific commitments as to the level of customer service a customer can expect, ComReg considers it is important to also set out what a customer can get, if anything, if that level of service is not met. For example, providers may offer compensation if a customer experiences an outage for a certain length of time, or if they miss an arranged appointment with a customer. Including such details in the Charter would support customers in knowing what they are entitled to. ComReg is therefore proposing a placeholder in the Charter wording for providers to replace with relevant compensation information, as applicable, and as set out in **Schedule 2** at Appendix 1.

### 5.5.3 Other form requirements

- 5.34 On the basis of section 38 2(a) and (d) of the Act, and in addition to specifying that a Charter is developed and published in accordance with a template, ComReg is proposing other form and publication requirements, in order to help ensure Charters are in line with the principles outlined in paragraph 5.27 and that the objectives of the Charter are met.
- 5.35 The draft decision instrument includes a proposed requirement for providers to publish a Charter on their website, with one-click access from the home page of a Relevant Service Provider's website to the Charter, and for providers to ensure that the Charter can be downloaded in a durable medium.
- 5.36 As regards formatting requirements for a Charter, ComReg proposes Relevant Service Providers shall be required to ensure that:
- The information in a Charter is presented in portrait format,
  - The font type used is such that the text is easily readable,
  - The font size is at least 10 points. In exceptional circumstances the font size may be reduced; but in such cases a possibility to enlarge the Charter by electronic means or, a Charter with a font size of at least 10 points must be provided upon request,
  - The content of a Charter is easily readable with sufficient contrast between font and background, especially when using colours. Visuals shall not overlay text,
  - Headings are clearly distinguishable from the text, and
  - Language used in a Charter is easily readable and understandable for customers.
- 5.37 ComReg has not proposed to limit the length of a Charter to a specific number of pages. With the flexibility being afforded to providers to include content relevant to their own policies and procedures across seven areas of customer service, as set out in the customer charter template in Schedule 1 (with commitments potentially differing by customer group and/or type of service), it would be challenging for ComReg to determine a specific page limit that would be appropriate to apply.
- 5.38 However, there is a balance to be struck between a Charter being a 'one stop shop', and becoming an overly lengthy document that customers are dissuaded from reading. ComReg is of the view that the Charter should be as short as possible, focussing on key information that customers need in order to understand the level of

customer service they can expect from their provider across the seven listed areas. In particular, the specific customer service commitments proposed to be required in these areas should be prominent and easy for customers to identify among the other information.

**Q. 7 Charter template:** Do you agree with the proposed form requirements for completing a Charter template? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 5.6 Publishing and updating a Charter

5.39 The Act provides that ComReg may specify:

- “The manner (including frequency) of updates required to a customer charter” (section 38(2)(b)), and
- “The manner (including frequency) in which a customer charter is required to be published and notified to customers” (section 38(2)(d)).

### 5.6.1 Publishing a Charter

5.40 It is important that a Charter is in place as soon as possible, to ensure customers can benefit from the information and the certainty of the customer service commitments (if any) contained in the Charter without delay. It is envisaged that providers may require time, following the publication by ComReg of any final decision instrument, to prepare and publish their Charter. However, given that the proposed requirements have been largely designed to work with provider’s current business models and operations, we do not anticipate at this stage that preparing a Charter should be an extensive exercise.

5.41 With this in mind, ComReg proposes an implementation period of around three months from when the response to consultation and final decision is issued (at this stage envisaged to be by the end of June 2023). Providers with a market share of 0.5% or greater would be required to publish their initial Charter on the first working day of Q4 2023 (2 October 2023).

5.42 ComReg proposes to require that all Relevant Service Providers publish their Charter on the same day, to avoid any provider gaining a competitive advantage by basing their customer service commitments on other providers’ commitments. Providers would be required to publish their Charter on their website, with one-click access from the homepage so customers can easily find it. We also propose to require providers to send a copy of their Charter to ComReg via email on the day of publication, to assist in ComReg’s evaluation of phase 1 Charters.

5.43 For any providers that do not have a market share of 0.5% or greater as of when Charter requirements first take effect, but cross this threshold at a later date, the same requirements will apply. That is, they will have three months from when they are first identified as a Relevant Service Provider to prepare their initial Charter, and they will be required to send a copy of their initial Charter to ComReg on the day of publication.

## 5.6.2 Updating customer service commitments offered

5.44 As discussed previously, ComReg considers it is important that providers set Charter commitments for a given period and do not change them during that period, so that customers have some certainty over what they can expect. However, if commitments are made too far in advance or for too long a period of time, and actual performance ends up being substantially below the level committed to, potentially customers may become frustrated about what they may perceive as misleading Charter commitments.

5.45 ComReg has considered various combinations of commitment period (the length of time a commitment would be in place without being changed) and when updates to commitments would be permitted:

- **Option 1:** Monthly commitments and monthly updates,
- **Option 2:** Monthly commitments and quarterly updates,
- **Option 3:** Quarterly commitments and quarterly updates,
- **Option 4:** Quarterly commitments and annual updates, and
- **Option 5:** Annual commitments and annual updates.

5.46 ComReg proposes to adopt **option 2** (as discussed in section 8.4.7 of the draft RIA). This would mean that a provider's Charter contains monthly commitments for the first quarter after publication of the initial Charter (i.e., October, November and December 2023), and that providers could update their Charter each quarter thereafter, with three months of commitments at a time. A provider may choose to make the same commitment for each of those three months (which would effectively be option 3), or may choose to vary commitments by month if, for example, contact volumes are expected to peak at certain times of the year.

5.47 Under this proposal, providers would be allowed to publish an updated Charter on their website each quarter, on the first business day of the quarter. The relevant quarter and year that Charter commitments apply to should be clearly stated at the top of the first page of the Charter, as per the draft template. Providers would not be required to send copies of their updated Charter to ComReg each quarter – this is

only proposed for the initial Charter.

- 5.48 In order to allow flexibility for providers to offer Charter commitments, and in a way that best works for their business model, where a Relevant Service Provider may wish to update its Charter after publication (of the initial Charter), we propose to allow, but not require, providers to update Charters each quarter. A provider could therefore choose to set commitments in their initial Charter that do not change for the following quarter(s), meaning that they would not need to update the Charter every quarter.

**Q. 8 Publishing and updating a Charter:** Do you agree with the proposal that providers publish an initial Charter on their website on 2 October 2023, containing monthly Charter commitments, and are allowed to update the Charter each quarter thereafter? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 5.7 Notifying customers about the Charter

- 5.49 Section 38(2)(d) of the Act sets out that ComReg may specify “the manner (including frequency) in which a customer charter is required to be [...] notified to customers”.

- 5.50 A Charter will be more effective in meeting our stated objectives if customers are aware of it, and of what they can use a Charter for. While the proposals around publication already include providers publishing a Charter on their website and ensuring it is easily accessed, ComReg has also considered the extent to which providers shall be required to proactively notify customers about their Charter, once it has been published for the first time. Options considered are:

- **Option 1:** No specific customer notification,
- **Option 2:** Include notification as part of pre-contractual information,
- **Option 3:** Include notification with or on bills, and
- **Option 4:** Standalone customer notification.

- 5.51 As discussed in the draft RIA (section 8.4.8), ComReg is proposing to adopt **option 2**. This will ensure customers are made aware of their provider’s customer service commitments before entering a contract.

- 5.52 ComReg notes that under the Consumer Rights Act 2022,<sup>24</sup> traders are already required to provide certain information to consumers before entering into an off-premises or distance contract, including:

---

<sup>24</sup> Number 37 of 2022.

“where applicable, the trader’s complaint handling policy” (Schedule 2, sub-clause (g) and Schedule 3, sub-clause (l))

and

“the existence of relevant codes of practice within the meaning of section 81(7) and, where applicable, how a copy of such codes may be obtained” (Schedule 3, sub-clause (s)).

- 5.53 The Charter would fall under the definition of a code of practice as defined in section 81(7) of the Consumer Rights Act 2022, meaning that providers would already be required to notify customers entering into an off-premises or distance contract that the Charter exists and how to obtain a copy.
- 5.54 ComReg considers that providers should be required to ensure all customers are made aware of the existence of the Charter and how to obtain a copy, regardless of how a contract was entered into. The draft decision instrument in Appendix 1 therefore contains a requirement to this effect.
- 5.55 In addition to notification requirements, ComReg proposes that providers also be required to:
- Provide a copy of the Charter, in a durable medium, to customers who request it, within 48 hours of the request. This would ensure that customers who are not able to access the Charter from a provider’s website themselves – for example, those who do not have internet access or are not comfortable navigating providers’ websites – are still able to access a copy of the Charter, and
  - Ensure the Charter meets any Web Content Accessibility Guidelines standard as developed by the World Wide Web Consortium<sup>25</sup>, is in plain English and accessible for disabled End-Users and, if requested, is made available in a reasonably accessible medium to a disabled End-User (to include but not limited to Braille). This would ensure that all customers are able to access a copy of the Charter in a format that is suitable for them.

**Q. 9 Notifying customers:** Do you agree with the proposal that providers be required to ensure all customers are made aware of the Charter, and otherwise ensure the Charter is available on request and in accessible format? If yes, please explain why and, if no, please provide specific alternative suggestions.

<sup>25</sup> The World Wide Web Consortium (W3C) is an international community that develop open standards to ensure the long-term growth of the Web. The Web Content Accessibility Guidelines (WCAG) standard developed by W3C is available from the following link: <https://www.w3.org/WAI/standards-guidelines/>.

## 6 Proposed Charter Content and Form requirements

### 6.1 Overview

- 6.1 ComReg is proposing that the Charter cover seven key areas relating to customer service: core customer service (query handling), complaint handling, connections, billing and refunds, outages and repairs, disconnection policy in case of non-payment of bills, and switching services. These are the same explicit categories under section 37 of the Act where ComReg may seek to set Minimum Quality of Service Standards.
- 6.2 There are two main reasons for choosing these areas. Firstly, these are areas where customers frequently experience issues and lower satisfaction. These are therefore the areas where it would likely be particularly beneficial for customers to have specific commitments from their providers on what level of service they can expect to receive.
- 6.3 Secondly, while ComReg is proposing that providers (of IAS and ICS) would have the flexibility to choose to offer their own customers specific levels of customer service (provider-set commitments) in the first instance, ComReg has the power to specify Minimum Quality of Service Standards for providers of IAS and ICS to meet as regards customer service. Without prejudice to the power to impose Minimum Quality of Service Standards at any time, ComReg is of the preliminary view, subject to this consultation, that a phased approach to implementing a Charter is proportionate, in light of our statutory objectives and objectives for a Charter. By structuring a Charter around the explicit categories under section 37 of the Act, should it be considered necessary and appropriate to seek to introduce ComReg set Minimum Quality of Service Standards (subject to an adequacy review and further consultation), it may be easier and more smooth to move from provider-set commitments (if any) to ComReg-set standards with minimal change to the overall form of the Charter, as set out in section 5.5 above and the Charter template within Schedule 1 at Appendix 1.

### 6.2 Proposed content and form requirements for Charter content

- 6.4 In the draft Charter template, the section or headings (in bold type font) for the seven explicit categories under section 37 of the Act have been listed in a deliberate order, and which reflect the customer journey:
- Given the rest of the Charter will cover areas where customers are likely to need to interact with their provider, ComReg considers it is important that the first section to be covered is **core customer service**, so that key contact details for a provider are included near the start of the document,

- **Complaint handling** has been included as the following section, as this is the natural next step if a customer's query is not resolved to their satisfaction and they want to escalate it to a complaint, and
- The following sections have been included to broadly follow a customer's journey with a provider. **Connecting a new service** would often happen at the start of a customer signing up with a provider. Policies around **billing and refunds** and **outages and repairs** would apply throughout a customer's time with their provider. **Disconnection** and **switching** policies would be most relevant at the end of the customer journey with a given provider.

6.5 For each section /heading of the Charter template, as set out in section 5.5, it is proposed that the Charter contents are generally structured in two parts. The first part contains general information about a provider's policies in that area. Here ComReg has proposed the nature of the content to be included in the section, but providers would have the flexibility to tailor the content to their own business practices, including using their own wording to set out information.

6.6 The second part contains any specific commitments that providers would make to their customers about customer service levels. If providers chose to make such commitments, it is proposed that they would be required to express any specific commitment offered using wording specified by ComReg, as set out in Schedule 2 and, in terms of metrics defined and in accordance with the 'Data Dictionary' tab of the Data Dictionary, Schedule 3, at Appendix 1. This is to help ensure that any specific commitments are meaningful, and comparable between providers. Providers would also be asked to include information about what a customer can get, if anything, if the specific commitment was not met for that customer – whether that be monetary compensation or something else. Commitments offered should be clear for end-users. Relevant Service Providers should not attach conditions or caveats to commitments that would act as a possible barrier to a customer being able to rely on the commitment, or that would make the commitment incomparable or ineffective.

6.7 Providers could choose not to make a specific commitment in one or more sections /headings of the Charter. In this case, it is proposed that they would also be required to use ComReg-specified wording to make this explicit. This is to help ensure it is clear to customers whether a provider has made a commitment or not. This is in line with section 38(3) of the Act, which says that "the Commission may, where no minimum levels of quality of service are offered by a provider, require the provider to publish a statement to this effect in the customer charter or in such other form or manner as the Commission considers appropriate". It is noted that in a competitive market firms can choose to offer different combinations of price and quality. However, it is expected providers of IAS and ICS would be incentivised to compete on any specific commitment around customer service with the introduction of Charter

requirements and deliver against those commitments.

6.8 Where a provider chooses to make specific commitments, ComReg proposes that:

- Relevant Service Providers are required to express commitments offered following ComReg-specified metrics and definitions (within the 'Data Dictionary' tab of Schedule 3: 'Customer Charter Data Dictionary and Reporting Template' at Appendix 1), with a view to help ensure commitments can be compared by consumers and other end-users,
- Relevant Service Providers can choose whether commitments are set on a monthly or quarterly basis (as discussed in section 5.6.2). If the former, providers shall clearly indicate the separate commitments for each month, and
- Commitments can differ between groups of Relevant Customers – for example, between consumers and microenterprises/small enterprises/not-for-profit organisations, or between customers of different services. In this case, providers shall clearly articulate the application of different commitments in their Charter.

6.9 The proposed information/content required in respect of each section/heading in the Charter template, and which ComReg proposes a Charter shall cover (within parameters set by ComReg in Schedule 2), is set out below.

### **6.3 Core customer service (query handling)**

6.10 A fundamental aspect of customer service, and the common thread throughout the Charter, is a customer contacting or otherwise interacting with their provider in order to seek support relating to their service. It is therefore critical that customers know how they can get in touch with their provider, and have clear expectations around the nature of that interaction, such as how long it will take them to make contact and/or get a response from their provider.

#### **6.3.1 Proposed information around core customer service**

6.11 ComReg proposes that this section of the Charter sets out information around:

- How a customer can contact their provider, including how to access channels (e.g., provision of phone number, email address, web link etc as applicable), when channels are available (if applicable, e.g., call centre opening hours) and any conditions applying to channels (e.g., if they only apply to certain groups of customers), and
- How a customer can escalate a query to the complaint handling process.

- 6.12 The full range of channels available for customers to get in touch with their provider shall be included, so customers can easily tell if their preferred channel of communication is an available option. ComReg understands that some service providers prefer to direct customers to use online and/or automated channels as a first point of call. However, all customers will have different preferences as to how to interact with their provider.
- 6.13 A provider's customer service ought to be geared towards ensuring that a customer can talk in person with someone that can help, if that is how they prefer to discuss any issues as regards their service. If a provider is not willing to offer such channels to customers, this should be clear from its Charter, so customers can make a better-informed decision and more effectively choose the provider who promises to deliver them the best overall service.
- 6.14 Information included on a provider's policy or procedure for escalating a query to the complaint handling process should be brief, as the following section of the Charter covers the complaint handling process.

### 6.3.2 Proposed specific commitments

- 6.15 Providers (of IAS and ICS) would have the flexibility to choose to offer their own customers specific commitments regarding levels of customer service. ComReg proposes that providers are also asked to express two types of commitment if offered (in accordance with parameters set by ComReg), relating to core customer service as:
- When a customer contacts their provider, how long the provider will take to initially respond, and
  - If the customer's query cannot be resolved on initial contact, when the provider will provide a response to the customer.
- 6.16 The initial response time will vary depending on the channel the customer uses to contact the provider, so ComReg proposes that separate commitments are articulated for initial response time on each channel a service provider offers – phone, email, web form, web chat and post.
- 6.17 For the follow-up response time if a customer's query cannot be resolved on initial contact, ComReg assumes provider query handling processes would not distinguish between the channel the query was raised on, and therefore that the maximum time committed to respond to the customer in would be the same across channels. ComReg has therefore proposed a single metric across all channels for follow-up response time (in accordance with the 'Data Dictionary' tab of the Customer Charter Data Dictionary and Reporting Template' at Schedule 3 of Appendix 1). ComReg welcomes feedback from stakeholders as to whether this is appropriate, or whether

separate metrics should be articulated for follow-up response times across each contact channel offered.

**Q. 10 Charter content (core customer service):** Do you agree with the proposed Charter content and the form in which commitments around core customer service, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 6.4 Complaint handling

- 6.18 Undertakings providing electronic communications networks or services are already required to publish and implement a code of practice for settling unresolved disputes, including complaints, under Regulation 27 of the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011.<sup>26</sup> ComReg is of the view that the Charter should not duplicate existing documents already required to be published, and that it would be more appropriate for the Charter to make customers aware that the complaint handling code of practice exists, and where to find it.
- 6.19 ComReg therefore proposes that this is a short section of the Charter, which signposts to a provider's existing complaint handling code of practice.

**Q. 11 Charter content (complaint handling):** Do you agree with the proposed Charter content around complaint handling? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 6.5 Connections

- 6.20 If customers move into a premises or decide to switch to a different provider or product, they may need a new connection before their new service can be activated. With fibre networks being rolled out across the country, any customer making the move to a fibre broadband connection will also be in this category. ComReg is of the view it is important that customers know what to expect from the connection and installation process, including timeframes and what information their provider may require from them.

### 6.5.1 Proposed information around connections

- 6.21 ComReg proposes that this section of the Charter sets out information around:

---

<sup>26</sup> This measure is continued under section 56(1) of the Act.

- Connecting new services to the network, both when there is an existing connection in situ and when there is not, including how providers will keep customers updated on the progress of their connection request,
- Service and installation appointments, including what happens if an appointment is delayed or missed, and
- What happens if a customer's connection service request cannot be fulfilled.

6.22 Providers may also choose to include any other relevant information about connecting a new property and/or service, for example any key information about the rollout of fibre networks.

## 6.5.2 Proposed specific commitments

6.23 The process of connecting a new property and/or service for a customer will often involve actions from both the network operator and retail service provider. It is important that the Charter contains key information on the whole connection process, so customers know what to expect. However, given retail service providers are making the specific commitments included in the Charter, consideration must be given to which areas of the process service providers are responsible for, and have control over. ComReg has taken this into account when proposing a form in which specific commitments around connection if offered are to be expressed in a Charter.

6.24 While there are many scenarios that could arise in connecting a new property and/or service, for the purposes of expressing things as simply as possible in the Charter, ComReg is proposing that the Charter outlines two key scenarios:

- When a customer requests a new service at a premises and there **is** an existing connection that can support that service without a technician appointment being required, and
- When a customer requests a new service at a premises and there **is not** an existing connection that can support that service – for example, because the premises has never had a broadband connection, or because the service requires a new or altered type of connection.

6.25 The first scenario would include a customer switching to a new provider on the same network or requesting an upgraded service (e.g., higher broadband speeds) with their existing provider, that could be provided by the existing connection without a technician appointment being required to make modifications. ComReg understands that activation of the new service in this case would be done electronically, as no modification would be required to the connection. This process would be initiated by the retail service provider, and carried out by the network operator in accordance

with service level agreements (SLAs) in place between network operators and retail service providers. Where a provider is committing to a timeframe, ComReg therefore considers it is reasonable to ask the provider to express the commitment if offered in terms of a maximum timeframe for service activation to occur in, from the time of the customer's service request being accepted.

- 6.26 The second scenario covers a range of other cases, including a connection being updated from copper to fibre, or a connection being made for the first time at a new-build property. There will be a range of scenarios within this category, and the timeframes for connecting customers in these cases could depend on many factors, for example whether the premises has been passed by fibre yet or not, whether the connection is standard or non-standard, etc. In these scenarios, ComReg considers the key role of the service provider's Charter commitments should be to ensure complete and timely information is provided to customers about their particular circumstances.
- 6.27 With this in mind, ComReg is proposing to ask providers to express their commitments if offered in terms of the time they will take (from when a customer makes a service connection request) to:
- Acknowledge the customer's service connection request,
  - Confirm whether the order can be processed at the time of request or not<sup>27</sup> and,
  - If the order can be processed, confirm when an initial appointment can be made to provision the service.
- 6.28 A commitment expressed in this way would give customers clarity around what to expect from the connection process, up to the first appointment. ComReg understands that the majority of new connections would be able to be made at the time of the initial appointment, with service activation occurring shortly thereafter. However, the commitment does not preclude that additional appointments may be needed, for example, because the initial appointment may reveal that additional steps are required such as trimming trees or access to a neighbour's premises. In this case, ComReg would expect service providers to keep customers updated on the progress of their connection request.

---

<sup>27</sup> For any connection requests involving installation of a fibre connection, this assessment would be made by the retail service provider reviewing the relevant Network Operator's file outlining the premises-based services on offer to see if the customer's premises was included or not.

**Q. 12 Charter content (connections):** Do you agree with the proposed Charter content and the form in which commitments around connections, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 6.6 Billing and refunds

6.29 Billing is regularly one of the top areas raised when consumers contact ComReg's Consumer Line, accounting for approximately 27% of issues recorded in Q4 2022.<sup>28</sup> Common issues include customers being billed more than the amount agreed or double billed, billed for services not received, and billed after service cancellation. Issues are also reported around refunds not being received, both from mobile and fixed service providers.

6.30 It is therefore important that customers have clear information about what they can do if they think they have been billed or charged incorrectly, including clear timeframes as to when they will get a response and a refund (if applicable).

### 6.6.1 Proposed information around billing, charges and refunds

6.31 With this in mind, ComReg proposes this section of the Charter includes information around:

- How customers can raise a query about their bill and/or charges (including prepay top-up credit) with their provider, if the channel(s) are different from those for general customer service,
- How providers will address queries around billing or charges, and
- Providing refunds where a bill/charge is found to have been incorrect.

6.32 Providers may also choose to include any other relevant information about avoiding bill shock, or what customers should do if they think they have been billed or charged incorrectly.

### 6.6.2 Proposed specific commitments

6.33 Providers (of IAS and ICS) would have the flexibility to choose to offer their own customers specific commitments regarding levels of customer service. In terms of specific commitments if offered, ComReg proposes that providers are asked to express two types of commitment relating to billing and refunds as follows:

---

<sup>28</sup> ComReg (2022), ComReg Consumer Line Statistics Report, Q4 2022. Accessed [online](#).

- If a customer raises a query around their bill, how long a provider will take to review the query and respond to the customer, and
- If a customer is due a refund, how long a provider will take to process the refund.

6.34 As with other sections of the Charter, if a provider offers compensation or similar for customers not receiving the level of service committed to, ComReg proposes that the provider shall include details of this alongside the stated response time commitments. Providers could also choose to not make specific commitments of this nature, and instead include an explicit statement saying that they do not commit to specific response/refund processing times.

Q. 13 **Charter content (billing and refunds):** Do you agree with the proposed Charter content and the form in which commitments around billing and refunds, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 6.7 Outages and repairs

- 6.35 In 2020, more than 50.7 million user hours were reported lost to incidents such as software bugs, poorly implemented software updates, hardware failures and weather events causing power outages.<sup>29</sup> The 2021 figure for lost user hours was similar.<sup>30</sup> Such incidents have an economic cost, in terms of the loss of services, impacting productivity and commerce, as well as a societal cost, limiting communications options for citizens. With the increase in remote working following the coronavirus pandemic, this is a matter of growing significance.
- 6.36 If a customer experiences an issue with their service, it is important that they are able to access clear, timely information so they understand (as far as is possible, in the case of an unplanned outage) what the issue is and when they might expect their service to be restored. From reviewing providers' websites, this is one area where there is currently a particular lack of information – both on how customers can report a service issue or find out if their service is affected by an outage, and what the process is for service providers communicating information if there is an outage.<sup>31</sup>
- 6.37 In comparison, Ofcom notes that in the United Kingdom most providers offer a service or status checker (either online or through an app) listing known, major network problems, and that this information should also be available by phone (either

<sup>29</sup> ComReg (2021), Network Operations Annual Report 2020. Accessed [online](#).

<sup>30</sup> ComReg (2022), Network Operations Annual Report 2021. Accessed [online](#).

<sup>31</sup> Note the use of the term 'issue' to refer to a service interruption or fault experienced by an individual customer, distinct from 'outage' which refers to an issue affecting multiple customers at the same time.

via an automated message or from a provider's customer service team).<sup>32</sup> In the Irish electricity sector, ESB Networks also has a webpage with real-time information on major faults, that contains an estimated time when power will be restored and allows customers to receive automatic text or email updates until the power is restored.<sup>33</sup>

### 6.7.1 Proposed information around outages

6.38 ComReg therefore proposes that this section of the Charter includes information around:

- How a customer can report a service issue to their provider, for broadband, fixed voice and mobile services, including how to access channels and when channels are available (if details differ from those included in the "How you can contact us" section), and
- How a provider will notify customers in the event of a planned and/or unplanned service outage, and keep customers updated on estimated restoration time.

6.39 Providers could also include any other relevant information about addressing individual customer-level issues with service and/or wider service outages.

### 6.7.2 Proposed specific commitments

6.40 Providers (of IAS and ICS) would have the flexibility to choose to offer their own customers specific commitments regarding levels of customer service. Service outages, like connections, are an area where retail service providers are not always responsible for the whole process, but many need to work with network operators to address any issues. ComReg has taken this into consideration in proposing a form for providers to express specific commitments offered in this area. As with connections, ComReg considers a key role that retail service providers have when a planned or unplanned service outage occurs is to provide useful, timely information to customers about what is happening and when service is expected to be restored.

6.41 In the interests of being proportionate, we propose there is a threshold in relation to specific Charter commitments around providing information on outages. This would be when an issue affects the availability of services for more than 1% of the national user base of that service, i.e. fixed broadband, mobile voice etc. This is currently in line with ComReg<sup>34</sup> and ENISA<sup>35</sup> reporting requirements, and so providers should

---

<sup>32</sup> Ofcom, 'Broadband and landline faults and problems' webpage. Accessed [online](#).

<sup>33</sup> ESB Networks, 'Power outages' webpage. Accessed [online](#).

<sup>34</sup> ComReg (2014), Reporting & Guidance on Incident Reporting & Minimum Security Standards. Accessed [online](#).

<sup>35</sup> ENISA (2021), Technical Guideline on Incident Reporting under the EEC. Accessed [online](#).

already be familiar with identifying when an issue meets this criteria.

- 6.42 For **planned outages**, the network operator should know in advance when these are planned to take place, and how many users will be affected, and communicate this to the relevant retail service provider.<sup>36</sup> ComReg proposes that the relevant Charter commitment if offered is expressed as a minimum notice period before any planned outages affecting service for more than 1% of the national user base occur.
- 6.43 In the event of an **unplanned outage**, the proposed Charter commitment is expressed in terms of a maximum timeframe for making information available on an issue affecting service for more than 1% of the national user base, from the time a provider becomes aware of the issue. Where a provider is not also the network operator for a service, and so is not directly responsible for restoring service in the event of an outage, it would be expected that a provider would have arrangements in place with relevant network operators (whether via an SLA or other means) to ensure they receive information and updates on outage events as they happen.<sup>37</sup>
- 6.44 For both types of outage, ComReg proposes that providers commit to making information generally available on the issue and estimated service restoration time. This could be done via information on a provider's webpage, social media accounts etc. While the proposed commitment wording covers when service providers would first information available, ComReg would expect any such information to be updated as and when new information became available.

Q. 14 **Charter content (outages and repairs):** Do you agree with the proposed Charter content and the form in which commitments around outages and repairs, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 6.8 Disconnection for non-payment of bills

- 6.45 In the current climate with customers across Ireland facing cost-of-living increases, it is likely that the number of customers having difficulty paying their bills will increase. It is therefore important that customers understand what support (if any) is available to them from their provider, and what their provider's disconnection and reconnection policy is.

---

<sup>36</sup> For example, open eir's Next Generation Access industry process manual (accessed [online](#)) states that operators will be notified of service outages due to normal planned maintenance with a minimum of five working days' notice, though it endeavours to provide ten working days' notice.

<sup>37</sup> For example, open eir's Next Generation Access industry process manual sets out that relevant operators are notified of a major fault or incident via open eir's portal, or otherwise by email if the portal is unavailable.

### 6.8.1 Proposed information around disconnection

- 6.46 In this section of the Charter, ComReg proposes service providers set out:
- Support for customers having difficulty paying their bills/for top-up credit,
  - When and how a provider would restrict service and/or disconnect customers in case of non-payment of bills (including how a customer would be notified), and
  - How a customer that has been disconnected for non-payment of bills can get their service reconnected, including any fees this will incur.
- 6.47 This section may include any other relevant information about a provider's disconnection policy, or what a customer can do if they are having difficulty paying their bills.

### 6.8.2 Proposed specific commitments

- 6.48 Providers (of IAS and ICS) would have the flexibility to choose to offer their own customers specific commitments regarding levels of customer service. In terms of specific commitments if offered, ComReg proposes requiring providers to articulate a specific commitment around a minimum notice that will be provided before a customer's service is disconnected for non-payment of bills, or else an explicit statement saying that they do not commit to a specific minimum notice period before such disconnections.

Q. 15 **Charter content (disconnection policy):** Do you agree with the proposed Charter content and the form in which commitments around disconnection for non-payment of bills are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 6.9 Switching services

- 6.49 While not as high as billing, issues around switching and/or number portability still regularly feature when consumers contact ComReg's Consumer Line – in Q4 2022 they accounted for approximately 8% of reported issues.<sup>38</sup> Such issues included delays in switching, issues with accessing handset unlocking codes, and customers losing their number when switching mobile providers.

### 6.9.1 Proposed information around switching

- 6.50 ComReg proposes that the switching section of a provider's Charter shall include

<sup>38</sup> ComReg (2022), ComReg Consumer Line Statistics Report, Q4 2022. Accessed [online](#).

information on:

- Key rights customers have around switching, including from Regulation 90 of the Regulations,
- Returning terminal equipment (for internet access services), and
- Unlocking handsets, including any payment of residual fees and timelines for unlocking handsets (for mobile services).

6.51 This section may also include any other relevant information about switching.

**Q. 16 Charter content (switching services):** Do you agree with the proposed Charter content around switching services? If yes, please explain why and, if no, please provide specific alternative suggestions.

**Q. 17 Charter content (other):** Are there any other areas and/or content you think should be included in a Charter? If yes, please explain and provide specific suggestions.

# 7 Evaluating and Reporting Performance Against Charter Commitments

## 7.1 Overview

7.1 Sections 38(4) to (6) of the Act set out that ComReg may:

- “Require a provider referred to in subsection (1) to measure its performance against the standards set out in its customer charter and to report to the Commission on such performance in such form and manner as the Commission specifies”,
- “Arrange, or require a provider referred to in subsection (1) to arrange, an independent audit or review paid for by the provider of the performance of the provider measured against the standards set out in its customer charter”, and
- “Publish details of a provider’s performance measured against the standards set out in its customer charter in such manner as the Commission considers appropriate”.

7.2 Once providers have published their Charter (Initial Charter), an important part of the process will be:

- Evaluating implementation of the Charter requirements and the levels of customer service committed to and implemented by providers; and
- Publishing comparisons between different providers in relation to how providers have implemented and performed against their stated commitments (if any), as appropriate.

## 7.2 Evaluating performance against Charter commitments

7.3 It is proposed, subject to this consultation, to take a phased approach to implementing Charter requirements (as set out in chapter 4). A Charter would in the first instance contain provider-set commitments on customer service (defined and measured according to parameters set by ComReg, see Table 2 below).

7.4 In order to help achieve the objectives of creating transparency and driving improvements in customer service levels (by incentivising providers to offer specific commitments as to level of customer services and to deliver on the commitments they make or else be named and shamed), providers of IAS and ICS ought to be held accountable in respect of any specific level of customer service they offer their

customers and accountable for delivering against commitments made (if any). Therefore, it is proposed that a Relevant Service Provider will be required to monitor their actual performance against Charter commitments (expressed in terms of metrics defined, A to E, and in accordance with the 'Data Dictionary' tab of the Data Dictionary, Schedule 3 at Appendix 1) if offered and, report this to ComReg (within certain parameters specified by ComReg, as set out in more detail in section 7.4 below).

7.5 In addition, ComReg has considered three options relating to the nature of an evaluation (i.e., asking providers to measure their performance and report this to us, including potentially getting the data independently audited) in phase 1 of the Charter:

- **Option 1:** No evaluation,
- **Option 2:** One-off evaluation, and
- **Option 3:** Ongoing evaluation.

7.6 As section 8.4.9 of the draft RIA sets out, ComReg proposes **option 3**, to support the evaluation of implementation by providers of Charter requirements and to help ensure the ongoing adequacy of the Charter.

### 7.3 Reporting and auditing of performance

7.7 If ComReg is to proceed to adopt option 3 in respect of an evaluation of providers performance against any commitments they may specify and include in a Charter, the next questions that arise concern (i) the frequency of ongoing provider reporting, and (ii) whether ComReg would require providers to arrange for an independent audit of one or more performance reports. ComReg has identified sub-options addressing each question.

7.8 On the frequency of provider reporting, sub-options considered are:

- **Sub-option 3a:** Monthly reporting,
- **Sub-option 3b:** Quarterly reporting,
- **Sub-option 3c:** Biannual reporting, and
- **Sub-option 3d:** Annual reporting.

7.9 As discussed in section 8.4.9 of the draft RIA, ComReg proposes to adopt **sub-option 3b**. Providers would be required to report performance to ComReg each calendar quarter, submitting a performance report (in the 'Reporting Template' tab of

Schedule 3: 'Customer Charter Data Dictionary and Reporting Template') no later than two months from the end of each quarter.

7.10 On requiring providers to get performance reports independently audited, ComReg considered the following sub-options:

- **Sub-option 3e:** Do not require providers to arrange for performance reports to be audited,
- **Sub-option 3f:** Require providers to arrange for every report to be audited,
- **Sub-option 3g:** Require providers to arrange for every other report to be audited, and
- **Sub-option 3h:** Require providers to arrange for a report to be audited once a year.

7.11 Section 8.4.9 of the draft RIA contains our assessment, where ComReg proposes to adopt **option 3h**. ComReg considers that audit plays an important role in ensuring that consumers can trust the accuracy of performance reports. However, mindful of the principle of proportionality, on balance, ComReg proposes that providers are required to arrange for an independent audit of performance results (and set out in a performance report, and within certain parameter specified by ComReg) once a year. ComReg proposes to require a performance audit against Charters for the first quarter of Charters being in effect (Q4 2023), amongst other things, to help ensure that a review of Charter adequacy is based on accurate actual performance data. For subsequent years, providers would only need to arrange and pay for an independent audit of the Q4 performance report each year.

7.12 It is proposed that a Relevant Service Provider will be required to record performance against commitments, compiling this into a report ("Performance Report"), in accordance with the 'reporting template' tab of the Data Dictionary. It is proposed that the Performance report would set out the actual performance achieved by the Relevant Service Provider as against any commitments (defined and measured in accordance with metrics, see Table 2 below) set out in that provider's Customer Charter, where performance is calculated and expressed in accordance with the 'Data Dictionary' tab of the Data Dictionary.

7.13 Providers would have two months to arrange for the Q4 performance report to be audited by an independent auditor, and then submit the report and a signed statement from the auditor (setting out the auditor's finding in relation to the accuracy of the data in the report) to ComReg.

7.14 Providers would be required to keep the underlying data used to generate their

performance report for one calendar year from the date it submits the report to ComReg, and to provide this data to ComReg on request. The intention is that if, either following its review of Charter effectiveness in phase 2 or at a later stage, ComReg considers that minimum standards (set by ComReg) may be warranted in one or more areas, we know more granular data will be available from providers to support the setting of those minimum standards (if needed).

7.15 Here is a worked example of the evaluation process for Q4 2023:

- In its initial Charter, Provider A makes a commitment that “when you phone us, we will answer your call in 60 seconds”, in line with the definition set out in Schedule 3 (specifically metric A1). Provider A decides to make the same commitment for October, November, and December 2023, and to make the same commitment for all Relevant Customers. This is the Charter commitment, and is included in the provider’s Charter for all customers to see.
- Between 2 October and 31 December 2023 inclusive, Provider A will record call answering times for all Relevant Customers, measuring these in the way set out in the ‘Data Dictionary’ tab of Schedule 3. These call answering times are the provider’s actual performance. Provider A will not report this level of detail to ComReg, but will need to retain the data on call answering times for one year after it submits its performance report to ComReg.
- After 31 December 2023, Provider A will aggregate actual performance into a performance report, in the ‘Reporting Template’ tab of Schedule 3. This means reporting, for each month of the calendar quarter (i.e., October, November, and December 2023), the percentage of calls answered in 60 seconds or under, e.g., 99% of Relevant Customer calls were answered within 60 seconds in October, 95% in November and 96% in December 2023.
- Provider A will engage an independent auditor to review its performance report and verify the accuracy of the 99%, 95% and 96% figures. Provider A will then submit the performance report and a signed statement from the auditor to ComReg, on or before 29 February 2024.

**Q. 18 Evaluating performance:** Do you agree with the proposal that providers report their performance against Charter commitments to ComReg on a quarterly basis, and arrange and pay for an independent audit of performance reports on an annual basis? If yes, please explain why and, if no, please provide specific alternative suggestions.

## 7.4 Data dictionary and reporting template

- 7.16 Schedule 3 of the decision instrument a Date Dictionary which is an Excel workbook containing a data dictionary and reporting template. The purpose of this, having regards to the objectives for a Charter, is to help ensure that (i) providers’ Charter commitments are defined and measured in the same way, and (ii) that performance against those commitments is calculated and expressed in the same way, to ensure a degree of comparability between different providers’ commitments and performance. The data dictionary and reporting template should also support providers in automating reporting, reducing any ongoing burden of reporting.
- 7.17 Table 2 below summarises how ComReg proposes that Charter metrics shall be defined and measured, and how performance against those commitments shall be calculated and expressed, as detailed in the ‘Data Dictionary’ tab of Schedule 3 at Appendix 1.
- 7.18 ComReg proposes that a Relevant Service Provider will be required to submit a report to ComReg each quarter on how they perform against Charter commitments offered, within a reporting template specified by ComReg. In the performance report, for each metric providers would be required to report the commitment(s) made in their Charter (i.e., their values of metrics) separately for each month, and performance against those commitments for each month (calculated /expressed in the form of percentages, see Table 2). Providers that choose not to make a specific commitment in one or more areas would leave the relevant rows in the reporting template blank.
- 7.19 If a provider chooses to make commitments that differ between groups of Relevant Customers, it shall report each commitment in separate rows, and clearly indicate the application of each commitment in the relevant column of the reporting template.

**Q. 19 Performance reporting:** If you have any specific comments on ‘Schedule 3: Customer Charter Data Dictionary and Reporting Template’ published alongside this consultation (summarised in Table 2), please provide these in response to this question.

**Table 2 Defining and measuring Charter commitments**

Commitment made in Charter	How metrics shall be defined and measured	How performance shall be calculated/expressed
When you phone us, we will answer your call within <b>[A1]</b> .	Metric A1 is a maximum call answering time for an individual Relevant Customer.  The time taken to answer a call shall be defined as the time elapsed between the end of dialling to the instant the human operator answers the	Performance against metric A1 shall be calculated and expressed as the percentage of calls answered within the

Commitment made in Charter	How metrics shall be defined and measured	How performance shall be calculated/expressed
	calling Relevant Customer to provide the service requested, measured in seconds, as per ETSI ES 202 057-1 <sup>39</sup> clause 5.6.1.	maximum call answering time.
When you contact us by email, we will reply to your email with an answer tailored to your question (not an automated reply) within <b>[A2]</b> .	Metric A2 is a maximum email response time for an individual Relevant Customer.  The time taken to respond to an email shall be defined as the time elapsed between the Relevant Customer sending an email with a request and the Relevant Service Provider sending a reply back (excluding any automatically generated replies), measured in clock hours, as per ETSI ES 202 057-1 clause 5.8.1.	Performance against metric A2 shall be calculated and expressed as the percentage of emails responded to within the maximum email response time.
When you contact us by web form, we will reply to your message with an answer tailored to your question (not an automated reply) within <b>[A3]</b> .	Metric A3 is a maximum web form response time for an individual Relevant Customer.  The time taken to respond to a query raised via web form shall be defined as the time elapsed between the Relevant Customer sending a request via web form and the Relevant Service Provider sending a reply back (excluding any automatically generated replies), measured in clock hours, as per ETSI ES 202 057-1 clause 5.8.1.	Performance against metric A3 shall be calculated and expressed as the percentage of web form queries responded to within the maximum web form response time.
When you contact us by web chat, we will start a conversation within <b>[A4]</b> .	Metric A4 is a maximum web chat response time for an individual Relevant Customer.  The time taken to respond to a web chat message shall be defined as the time elapsed between the Relevant Customer sending a request via web chat and the Relevant Service Provider sending a reply back (excluding any automatically generated replies), measured in minutes, as per ETSI ES 202 057-1 clause 5.8.1.	Performance against metric A4 shall be calculated and expressed as the percentage of web chat messages responded to within the maximum web chat response time.
When you contact us by post, we will reply to your letter within <b>[A5]</b> .	Metric A5 is a maximum post response time for an individual Relevant Customer.  The time taken to respond to a query from a Relevant Customer received by post shall be defined as the time elapsed between the	Performance against metric A5 shall be calculated and expressed as the percentage of post responded to within the

<sup>39</sup> European Telecommunications Standards Institute (2013), ETSI ES 202 057-1 V2.1.1. Accessed [online](#).

Commitment made in Charter	How metrics shall be defined and measured	How performance shall be calculated/expressed
	Relevant Service Provider receiving the query and sending a reply back (whether via post or another channel), measured in clock hours, as per ETSI ES 202 057-1 clause 5.8.1.	maximum post response time.
If we cannot resolve your query at the time, you first contact us, we commit to provide a response in the following <b>[A6]</b> .	<p>Metric A6 is a maximum follow-up response time for an individual Relevant Customer, for queries raised across any channel, when the query was not resolved at the time of initial customer contact.</p> <p>The follow-up response time shall be defined as the time elapsed between the instant the initial phone call in which the calling customer raised a query ends, or the instant the Relevant Service Provider receives a query from the customer by another channel (including in person) – as applicable – to the instant the answer from the Relevant Service Provider has been provided to the Relevant Customer, measured in clock hours.</p>	Performance against metric A6 shall be calculated and expressed as the percentage of follow-up queries responded to within the maximum follow-up response time.
If you request a new service at a premises, and there is an existing connection that can support that service without a technician visit being required, we will activate your new service within <b>[B1]</b> .	<p>Metric B1 is a maximum service activation time for an individual Relevant Customer.</p> <p>The time to activate a new service shall be defined as the duration from the instant of a valid service order being accepted by a Relevant Service Provider, to the instant a working service is made available for use, measured in elapsed days, as per ETSI ES 202 057-1 clause 5.2.</p>	Performance against metric B1 shall be calculated and expressed as the percentage of new services activated within the maximum service activation time. <sup>40</sup>
We commit to acknowledge your service order request, confirm whether the order can be processed at this time or not and, if it can, agree a date for an initial	<p>Metric B2 is a maximum acknowledgement time for an individual Relevant Customer requesting a new service.</p> <p>The time to acknowledge a Relevant Customer's request for a new service (and confirm whether the connection can be made at this time or not and, if it can, agree a date for an initial appointment to provision the service) shall</p>	Performance against metric B2 shall be calculated and expressed as the percentage of requests responded to within the maximum acknowledgement time.

<sup>40</sup> Relevant Service Providers shall exclude from this calculation: cancelled orders, cases where delays to provision are requested by the Relevant Customer, and cases where essential access to customer premises is not provided by the Relevant Customer on the agreed date and time.

Commitment made in Charter	How metrics shall be defined and measured	How performance shall be calculated/expressed
appointment to provision the service, within <b>[B2]</b> from when we receive your service order request.	be defined as the time elapsed between the Relevant Customer sending a request and the Relevant Service Provider sending a reply back (excluding any automatically generated replies), measured in clock hours.	
If you raise a query around your bill or any charges, we will review your query and respond to you within <b>[C1]</b> from when we receive your request.	<p>Metric C1 is a maximum billing/charge review response time for an individual Relevant Customer, for queries raised across any channel that necessitate a review of the customer's bill and/or charges.</p> <p>The billing/charge review response time shall be defined as the time elapsed between the answer from the Relevant Customer (the time the request is made) and the answer from the Relevant Service Provider, measured in clock hours, as per ETSI ES 202 057-1 clause 5.8.1.</p>	Performance against metric C1 shall be calculated and expressed as the percentage of billing/charge review queries responded to within the maximum billing/charge review response time.
Where a refund is due, we will process this within <b>[C2]</b> from the day we determine you are owed a refund.	<p>Metric C2 is a maximum time for processing a refund to an individual Relevant Customer where one is due.</p> <p>The time for processing a refund shall be defined as the duration from the instant the assessment is made that a refund is required to the instant the refund to the Relevant Customer is processed, measured in working days.</p>	Performance against metric C2 shall be calculated and expressed as the percentage of refunds processed within the maximum refund processing time.
If work is planned on the network that is likely to affect the availability of services for more than 1% of the national user base, we will make information on the planned outage available to customers [via channel] with a minimum of <b>[D1]</b>	<p>Metric D1 is a minimum notice period provided by a Relevant Service Provider to its customer base of a planned service outage.</p> <p>The notice period shall be defined as the time elapsed between the Relevant Service Provider publishing information on the planned outage in a public location (as specified in that provider's Charter) and the service outage starting, measured in elapsed days.</p>	Performance against metric D1 shall be calculated and expressed as the percentage of planned service outages that took place where information on the outage was published with at least the minimum notice committed to.

Commitment made in Charter	How metrics shall be defined and measured	How performance shall be calculated/expressed
notice before the work takes place.		
<p>If there is an issue affecting availability of services for more than 1% of the national user base, we will make information on the issue (including an estimated service restoration time) available to customers [via channel] within <b>[D2]</b> of us becoming aware of the issue.</p>	<p>Metric D2 is a maximum time for a Relevant Service Provider to publish information to its customer base on an unplanned service outage.</p> <p>The outage information publication time shall be defined as the time elapsed between the Relevant Service Provider first being notified of the issue (by a customer or of its own accord) and publishing information on the outage (in a public location, as specified in that provider's Charter), measured in clock hours.</p>	<p>Performance against metric D2 shall be calculated and expressed as the percentage of unplanned service outages that took place where information on the outage was first published within the maximum outage information publication time.</p>
<p>If we are going to disconnect your service due to non-payment of bills, we will give you a minimum of <b>[E1]</b> notice before doing so.</p>	<p>Metric E1 is a minimum notice period provided to an individual Relevant Customer who is being disconnected for non-payment of bills.</p> <p>The notice period shall be defined as the time elapsed between the Relevant Customer receiving a notification that their service will be disconnected, and the service being disconnected, measured in elapsed days.</p>	<p>Performance against metric E1 shall be calculated and expressed as the percentage of Relevant Customers disconnected for non-payment of bills that did receive at least the minimum notice before disconnection occurred.</p>

## 8 Draft Regulatory Impact Assessment

- 8.1 The analysis presented in this section represents ComReg's draft RIA. It sets out ComReg's preliminary conclusions on the effect of the implementation of a Charter upon stakeholders and competition.
- 8.2 ComReg's aim in conducting a RIA is to ensure that any specific obligations regarding the Charter are appropriate, proportionate and justified in light of the analysis conducted, having regard to our functions and objectives under the Communications Regulation Act 2002 (as amended), and having regard to ComReg's objectives for a Charter while also taking into account the principle of proportionality.<sup>41</sup>
- 8.3 The purpose of a RIA is to establish whether regulation is actually necessary, identify any positive or negative effects that might result from a regulatory measure being introduced, and identify and assess any regulatory measures.
- 8.4 Consistent with the RIA Guidelines<sup>42</sup>, ComReg's RIA considers the effect on stakeholders and competition of our proposal to require providers to prepare, publish and keep updated a Charter. It also considers of the scope of the options open to ComReg regarding requirements for implementing the Charter, across each of the policy decisions proposed in this consultation:
- The overall approach to implementing a Charter,
  - Which providers Charter requirements will apply to,
  - Which classes of end-user the Charter will address,
  - The high-level nature of Charter contents,
  - Charter form requirements,
  - Publishing and updating the Charter,
  - Notifying customers about the Charter, and
  - Evaluating performance against Charter commitments.
- 8.5 This draft RIA follows the five steps set out in the RIA Guidelines, with each policy

---

<sup>41</sup> Regulation 16(2) of S.I. 333/2011 (the Framework Regulations) provides, inter alia, that "In pursuit of its objectives under paragraph (1) and under section 12 of the Act of 2002, the Regulator shall apply objective, transparent, non-discriminatory and proportionate regulatory principles...".

<sup>42</sup> ComReg (2007), Guidelines on ComReg's Approach to Regulatory Impact Assessment. Accessed [online](#).

decision from this consultation considered separately under each step.

## 8.2 Step 1: Describe the policy issues and identify the objectives

8.6 The policy issues have been discussed in detail in chapter 3. In summary, the available evidence indicates that the electronic communications market in Ireland continues to be characterised by consumer dissatisfaction with overall levels of customer service received from service providers, and which suggests there is room for improvement. The electronic communications service sector as a whole consistently ranks as one of the lowest sectors in Ireland for customer service. Customer research commissioned by ComReg shows that customers have not seen improvements in their providers' customer service over the years in the same way network standards have improved, no one service provider stands out as providing great customer service, and perceived barriers in navigating online and/or automated customer service operations put customers off from contacting their provider for customer service on more minor issues. This has resulted in clear dissatisfaction among a significant minority of consumers, as set out in chapter 3.

8.7 There is also a general lack of transparency around the level of customer service customers can expect, with provider websites being very detailed in some areas but much scarcer in others, and no clear or easily accessible information regarding the standards being provided to help customers easily understand what their provider's customer service offer is.

8.8 To address these issues identified, ComReg has identified two key policy objectives for a Charter to help addressed consumer and other end-user concerns as regards levels of customer service:

1. Creating transparency around the level of customer service providers offer, and
2. Driving improvements in overall customer service levels.

8.9 These policy objectives are set out in more detail in section 3.3.

8.10 ComReg is also mindful of our broader statutory objectives in exercising our functions, as set out in the Communications Regulation Act 2002 (as amended). The objectives of particular relevance to this consultation, as set out in section 12, include:

“(1) The objectives of the Commission in exercising its functions shall be as follows—

- (a) in relation to the provision of electronic communications networks, electronic communications services and associated facilities—

(i) to promote competition,

[... and]

(iii) to promote the interests of users within the Community,

[...]

(2) In relation to the objectives referred to in subsection (1)(a), the Commission shall take all reasonable measures which are aimed at achieving those objectives, including—

(a) in so far as the promotion of competition is concerned—

[...]

(i) ensuring that consumers, including disabled consumers, derive maximum benefit in terms of choice, price and quality

[...]

(ii) ensuring that there is no distortion or restriction of competition in the electronic communications sector,

[...]

(c) in so far as promotion of the interests of users within the Community is concerned—

[...]

(iv) promoting the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services,

[...]

(3) In carrying out its functions, the Commission shall seek to ensure that measures taken by it are proportionate having regard to the objectives set out in this section.”

## 8.3 Step 2: Identify and describe the regulatory options

8.11 ComReg, in this consultation, gives consideration to a number of policy matters as regards implementing a Charter, set out in summary at paragraph 7.4. In that context, this consultation contains several sets of regulatory options – first to discuss the overarching approach to introduction of a Charter, and subsequently to consider how ComReg may seek to specify various aspects as regards implementing a

Charter including (i) the form of a customer charter and the information required to be included in a charter, including, minimum quality-of-service standards under section 37 (section 38 2 (a)); the manner (including frequency) of updates required to a customer charter (section 38 2 (b)); the classes of end-users that a charter is required to address (section 38 2 (c)); the manner (including frequency) in which a customer charter is required to be published and notified to customers (section 38 2 (d)). The sets of options considered and covered separately below are presented in the same order as they have been discussed in this consultation.

### 8.3.2 Overall approach to implementing a Charter

8.12 In terms of the overall approaching to implementing a Charter, four options were identified:

- **Option 1:** Do nothing (do not introduce a Charter),
- **Option 2:** Introduce a Charter containing only provider-set commitments,
- **Option 3:** Introduce a Charter containing only ComReg-set Minimum Quality of Service Standards, and
- **Option 4:** Introduce a Charter containing a combination of provider-set commitments and ComReg-set Minimum Quality of Service Standards.

8.13 Under **option 1**, there would be no change to the status quo, and ComReg would not seek to implement the new measure provided for in the Act regarding implementing a Charter.

8.14 Under **option 2**, service providers would be required to prepare, publish and keep updated a Charter, though in the first instance with flexibility to set out the level of customer service they commit offer to their customers, within parameters defined by ComReg. If providers did not want to commit to a specific level of customer service within the ComReg specified parameters, they could choose not to, but would be required to make this explicit in the Charter (i.e., provide a statement that they do not commit to any specific commitment around the parameters defined by ComReg).

8.15 Under **option 3**, ComReg would seek to define Minimum Quality of Service Standards across one or more of the seven explicit categories under the Act as regards customer service; and require such information to be published in a Charter. Providers would be able to make commitments to their customers to provide a higher level of customer service than required by ComReg, but could not commit to anything below the required level.

8.16 **Option 4** would be a combination of options 2 and 3.

### 8.3.3 Which providers Charter requirements will apply to

8.17 Three main options have been identified for providers that Charter requirements could apply to, in line with the Act:

- **Option 1:** Providers of IAS,
- **Option 2:** Providers of number-based ICS, and/or
- **Option 3:** Providers of number-independent ICS.

8.18 For **options 1 to 3** the definitions of IAS, number-based ICS and number-independent ICS providers are set out in the Regulations, and in section 5.2.

8.19 Two sub-options have been considered, that could apply to any or all of the above options 1-3, to take account of proportionality considerations:

- **Sub-option (a):** Apply Charter requirements to all providers within a given category set out above, or
- **Sub-option (b):** Apply Charter requirements to providers over a certain threshold.

8.20 Under **sub-option (a)**, all providers in the relevant category would be required to follow Charter requirements. In contrast, under **sub-option (b)** a threshold would be applied, so only providers over a certain size would be required to follow Charter requirements.

### 8.3.4 Which classes of end-user the Charter will address

8.21 Three options have been identified for the classes of end-user that the Charter could address:

- **Option 1:** All end-users,
- **Option 2:** Consumers, and
- **Option 3:** End-users that are consumers, microenterprises, small enterprises and not-for-profit organisations.

8.22 **Option 1** would cover all classes of end-user, including larger enterprises. **Option 2** would cover consumers (i.e., residential/individual users), whereas **option 3** would include consumers and also cover end-users that are microenterprises, small enterprises and not-for-profit organisations in view that they have a similar level of bargaining power to consumers. All terms are defined in the ECC Regulations, as set out in section 5.3.

### 8.3.5 High-level nature of Charter contents

- 8.23 Two options have been identified for the nature of possible Charter contents at a high level:
- **Option 1:** Information on providers' policies and/or procedures relating to key aspects of customer service, and
  - **Option 2:** Specific commitments on the level of customer service a provider offers its customers.
- 8.24 Under **option 1**, providers could set out information that isn't published elsewhere, or could provide links to information that a provider already publishes in a different location. Either way, the aim of this option would be for the Charter to act as a 'one stop shop', with customers being able to find key information about relevant aspects of a provider's customer service in one document.
- 8.25 Under **option 2**, providers would be asked to make commitments as to the specific level of customer service a customer could expect to receive. There are various options for how such commitments could be framed, which ComReg has considered as two pairs of sub-options:
- **Sub-option 2a:** Commitments are targets against which a provider's performance can be measured, or
  - **Sub-option 2b:** Commitments can be updated during the period, i.e., the Charter acts as a service status report, and
  - **Sub-option 2c:** A charter contains 'average' service level commitments across a provider's customer base, or
  - **Sub-option 2d:** A charter contains service level commitments for individuals.
- 8.26 The key difference between sub-options 2a and 2b is a provider's ability to change commitments once they have been set, to reflect actual performance. Under **sub-option 2a**, providers would set commitments for a period of time (e.g., for a month or quarter at a time), and these commitments would remain unchanged during that period. Providers would only be able to update commitments when setting them for subsequent periods. In this way, commitments would effectively be targets against which a provider's performance could be measured.
- 8.27 In contrast, under **sub-option 2b**, providers would also initially set commitments for a period of time but would then be able to update them during the period to reflect actual performance more accurately. Under this option, the Charter would effectively

act as a service status report.

8.28 Under **sub-option 2c**, providers would commit to deliver a certain customer service level over their customer base over the given period. Charter commitments would therefore be 'average' service level commitments. In comparison, under **sub-option 2d**, providers would commit to the specific level of customer service an individual customer can expect to receive. This would effectively represent a service level commitment that any given customer could expect to receive.

8.29 The key difference between sub-options 2c and 2d is the extent to which a Charter commitment is meaningful to an individual customer. If a customer received a level of customer service worse than the 'average' commitment made under 2c, they would consider the Charter commitment had not been met, while in actual fact the provider may still have delivered the average commitment across all customers. If a customer received a level of customer service worse than the commitment made under 2d, it would be clear that the provider had not met their commitment.

### 8.3.6 Charter form requirements

8.30 Four options have been identified relating to the extent to which Charter form requirements are specified:

- **Option 1:** Do not specify form requirements,
- **Option 2:** Specify principles to guide Charter form,
- **Option 3:** Specify limited prescriptive requirements, and
- **Option 4:** Set out template for Charter form.

8.31 Under **option 1**, there would be no particular form requirements for a provider's Charter, just requirements around Charter content. Options 2, 3 and 4 contain varying levels of prescription around form requirements – **option 2** would be the lightest touch, with just overarching principles around how a Charter should be formatted, **option 3** would have limited elements of Charter formatting specified, and **option 4** would set out a template for providers to follow.

8.32 These options are not necessarily standalone and could be used in different combinations.

### 8.3.7 Updating the Charter

8.33 Five combinations of Charter commitment period (the length of time a commitment would be in place without being changed) and update period (the frequency with which providers would be allowed to issue a new version of their Charter) were

considered:

- **Option 1:** Monthly commitments and monthly updates,
- **Option 2:** Monthly commitments and quarterly updates,
- **Option 3:** Quarterly commitments and quarterly updates,
- **Option 4:** Quarterly commitments and annual updates, and
- **Option 5:** Annual commitments and annual updates.

8.34 An update refers to updating the customer service levels committed to, making any updates to information on policies and procedures, or making any changes to the Charter more generally.

### 8.3.8 Notifying customers about the Charter

8.35 Four options have been identified in relation to whether and how customers are notified about the existence of the Charter and its purpose:

- **Option 1:** No specific customer notification,
- **Option 2:** Include notification as part of pre-contractual information,
- **Option 3:** Include notification with or on bills, and
- **Option 4:** Standalone customer notification.

8.36 Under **option 1**, customers would be able to access a provider's Charter from their website once published, but would not receive a regulatory notification from their service provider that the Charter exists or what it is for.

8.37 Under **option 2**, providers would notify customers about the Charter as part of existing pre-contractual information.

8.38 Under **option 3**, providers would either add messaging about the Charter onto existing bills, or otherwise include information with/alongside the bill.

8.39 Under **option 4**, providers would send a standalone notification (i.e., separate from any other communication the provider sends) to each customer on a regular basis, explaining about the Charter's existence and how the Charter can be accessed.

### 8.3.9 Evaluating performance against Charter commitments

8.40 Three high-level options were identified in relation to evaluating how providers

perform against their Charter commitments:

- **Option 1:** No evaluation and reporting,
- **Option 2:** One-off evaluation and reporting, and
- **Option 3:** Ongoing evaluation and reporting.

8.41 Under **option 1**, no requirements would be placed on providers of IAS and ICS to monitor their performance against Charter commitments and report this to ComReg. Under **option 2**, providers of IAS and ICS would be required to monitor their performance against Charter commitments and report this to ComReg on a one-off basis (with providers potentially also being required to get their reporting independently audited before submitting it to ComReg), with a view to support an evaluation of Charter requirements.

8.42 Under **option 3**, providers would be required to monitor and report their performance against Charter commitments on a regular basis. In relation to this option, there are two accompanying sets of sub-options considered.

8.43 The first set of sub-options relate to the frequency of any ongoing provider reporting (i.e., how often providers would be required to submit performance reports to ComReg):

- **Sub-option 3a:** Monthly reporting,
- **Sub-option 3b:** Quarterly reporting,
- **Sub-option 3c:** Biannual reporting, and
- **Sub-option 3d:** Annual reporting.

8.44 The second set of sub-options relate to whether ComReg would require any independent audit of performance reports:

- **Sub-option 3e:** Do not require providers to arrange for performance reports to be audited,
- **Sub-option 3f:** Require providers to arrange for every report to be audited,
- **Sub-option 3g:** Require providers to arrange for every other report to be audited, and
- **Sub-option 3h:** Require providers to arrange for a report to be audited once a year.

## **8.4 Steps 3 and 4: Determine the impacts on stakeholders and competition**

- 8.45 The following tables set out, for each of the proposed policy decisions, the key impacts we would envisage the identified options may have on industry, customers and competition.

## 8.4.2 Overall approach to implementing a Charter

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: Do nothing (do not introduce a Charter)</b>	Under option 1, service providers would continue to have flexibility to operate as they currently do regarding customer service, so there would likely be no significant impact on industry.	Option 1 would not address the current issues customers face around lack of service provider transparency on customer service, and poor customer service. The impact on customers of maintaining the status quo would therefore be continued lack of transparency and information around customer service, which could impact customers' ability to make better informed choices and more effectively choose the provider who promises to deliver them the best overall service. There would also be a risk of poor customer outcomes in relation to experiences of providers' customer service.	There is a lack of information or clear standards on customer service levels. Such information asymmetry and poor customer service is inhibiting competition from working effectively in terms of choice and quality for the end-user. Option 1 would not address this asymmetry and poor customer service, and so the barriers to competition working effectively would likely remain under this option, with the result that end-users are not protected.
<b>Option 2: Introduce a Charter containing provider-set commitments</b>	<p>Option 2 would impose new requirements on service providers, who would be required to develop, publish and keep updated a Charter. This would likely incur some implementation costs, particularly in the time and resources taken to draft a Charter.</p> <p>As providers would be permitted to include information on commitments set themselves in their Charter (within parameters set by ComReg), they would likely not need to make substantial changes to their current practices – the Charter would reflect their current customer service offering. If providers did not want to make</p>	<p>Option 2 would create more transparency for customers covered by a Charter over what they can expect from their provider in relation to customer service. It would also support customers in comparing offerings between providers (assuming that the Charter was set out in a way that made comparison possible), meaning they could have more confidence in more effectively choosing a provider who promises to deliver them the best overall service.</p> <p>The actual level of customer service a customer would get would still depend on the</p>	Option 2 would help address the current information asymmetry, by requiring providers to publish more information on their customer service policies and procedures, and articulate specific commitments as regards level of customer service. This should support competition to work more effectively, by creating transparency and incentives on

	Impact on industry	Impact on customers	Impact on competition
	commitments under the parameters set by ComReg, they could choose not to, meaning the regulatory burden under this option and implementation costs would be limited compared to options 3 and 4.	individual provider, as a Charter would contain provider-set commitments so would not guarantee the same level of service across the market (and a provider could choose to make no commitments). However, if a customer was not happy with the customer service their provider was offering, they could consider switching to another provider, and would be supported to do so by better information.	providers to compete on quality of customer service.
<b>Option 3: Introduce a Charter containing ComReg-set Minimum Quality of Service Standards</b>	<p>Option 3 would also impose new requirements on service providers. However, in addition to the implementation costs incurred under option 2 relating to the development, publishing and keeping updated of a Charter, option 3 would likely result in additional costs due to providers having to implement ComReg-set Minimum Quality of Service Standards.</p> <p>These costs would depend on providers' current practices relative to the Minimum Quality of Service Standards, it is estimate costs could include hiring of additional staff and/or system and process changes to ensure compliance with the Minimum Quality of Service Standards required.</p> <p>This option may have a greater regulatory burden and implementation costs on industry of the four options identified.</p>	Option 3 would have the same transparency benefits for customers as option 2. In addition, the inclusion of uniform Minimum Quality of Service Standards would give customers certainty over the level of customer service they can expect, regardless of which provider they chose.	Option 3 would address information asymmetry in a similar way as option 2. However, by ComReg setting uniform Minimum Quality of Service Standards, this could dampen incentives on providers to compete on quality of service – although providers could still innovate and compete to deliver standards above the ComReg-specified minimum level.
<b>Option 4: Introduce a Charter</b>	This option is a hybrid of options 2 and 3. Service providers would incur the costs of developing, publishing and keeping updated a Charter, and	Option 4 would have the same transparency benefits for customers as option 2, and would give customers the same certainty benefits as	Option 4 would address information asymmetry in a similar way as option 2.

	Impact on industry	Impact on customers	Impact on competition
<b>containing a combination of provider-set commitments and ComReg-set minimum standards</b>	<p>may also incur additional costs in relation to complying with ComReg-set Minimum Quality of Service Standards. These costs would depend on what those standards were and how they compared to providers' existing practices and customer service level.</p> <p>ComReg would expect the regulatory burden and implementation costs on industry of option 4 would be between those associated with options 2 and 3.</p>	option 3 in the areas where ComReg set Minimum Quality of Service Standards.	Providers would have flexibility to offer their own commitments (within parameters set by ComReg) and compete on these in certain areas (explicit categories under the Act), and in other areas (where ComReg set Minimum Quality of Service Standards) they would be able to compete above a ComReg-specified minimum level.

### 8.4.3 Which providers Charter requirements will apply to

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: Providers of IAS</b>	<p>Under option 1, providers of internet access services would be required to prepare, publish and keep updated a Charter.</p> <p>As of Q3 2022, there were eleven fixed broadband providers and three mobile broadband providers that each had over 2% market share, plus smaller authorised operators whose individual market share was less than 2%.<sup>43</sup></p>	<p>Under option 1, end-users of internet access services in Ireland would benefit from access to a Charter.</p> <p>As of Q3 2022, there were just over 1.6 million fixed broadband subscriber lines, and 352,161 mobile broadband subscriptions in Ireland.<sup>44</sup></p>	The evidence set out in chapter 3, showing issues around a lack of transparency and customer level standards, applies to providers of IAS and number-based ICS. Applying Charter requirements to IAS providers should support competition to work more effectively by addressing these issues, as discussed previously.

<sup>43</sup> ComReg Quarterly Key Data Report statistics for Q3 2022. Accessed [online](#).

<sup>44</sup> Ibid.

	Impact on industry	Impact on customers	Impact on competition
<b>Option 2: Providers of number-based ICS</b>	<p>Under option 2, providers of number-based interpersonal communication services would be required to prepare, publish and keep updated a Charter.</p> <p>As of Q3 2022, there were nine fixed voice providers and seven mobile providers (excluding mobile broadband and machine to machine subscriptions) that each had over 2% market share, plus smaller authorised operators whose individual market share was less than 2%.<sup>45</sup></p>	<p>Under option 2, end-users of number-based interpersonal communication services in Ireland would benefit from access to a Charter.</p> <p>As of Q3 2022, there were approximately 1.24 million fixed voice subscriptions, and 5.62 million mobile subscriptions (excluding mobile broadband and machine to machine subscriptions) in Ireland.<sup>46</sup></p>	<p>The evidence set out in chapter 3, showing issues around a lack of transparency and customer level standards, applies to providers of IAS and number-based ICS. Applying Charter requirements to number-based ICS providers should support competition to work more effectively by addressing these issues, as discussed previously.</p>
<b>Option 3: Providers of number-independent ICS</b>	<p>Under option 3, providers of number-independent interpersonal communication services would be required to prepare, publish and keep updated a Charter.</p> <p>Some providers of IAS and/or number-based ICS also provide number-independent ICS, so there could be some overlap between providers covered by option 3 and options 1 or 2. However, option 3 would likely also capture other market players, for example instant messengers, video conferencing and email services.</p>	<p>Under option 3, end-users of number-independent interpersonal communication services in Ireland would benefit from access to a Charter.</p>	<p>While the evidence set out in chapter 3 is not based on number-independent ICS providers specifically, applying Charter requirements should still have positive effects on competition, in a similar way as outlined above.</p>

---

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

	Impact on industry	Impact on customers	Impact on competition
<b>Sub-option (a): Apply Charter requirements to all providers within a given category set out above</b>	Sub-option (a) would involve applying Charter requirements to all providers of the same type of services, regardless of their size. This would result in a greater regulatory burden on industry as a whole, as more providers would be captured by requirements.	Under sub-option (a), all end-users of a given type of service would have access to a Charter, regardless of the size of their provider. This would enable all end-users to benefit from Charter provisions.	ComReg is of the preliminary view that the requirement for providers to prepare, publish and keep updated a Charter will have a positive impact on competition, as discussed above. Applying this requirement to all providers, regardless of size, should incentivise all providers to compete on quality of customer service.
<b>Sub-option (b): Apply Charter requirements to providers over a certain threshold</b>	Sub-option (b) would involve applying Charter requirements to a sub-set of providers of the same type of services. This would involve a smaller overall regulatory burden on industry, and would be a more proportionate way of targeting regulatory intervention.	Under sub-option (b), some end-users of a given type of service would not have access to a Charter, if they were served by a provider below the threshold. This would mean that some end-users would not benefit from Charter provisions.	Targeting Charter requirements at larger providers above a certain threshold might reduce the incentive for providers below that threshold to compete on customer service. However, to the extent that a regulatory burden with Charter requirements could result in undesirable competitive or other unintended consequences, such as barriers to entry, a threshold would possibly help to avoid such a risk, if any.

#### 8.4.4 Which classes of end-user the Charter will address

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: All end-users</b>	If providers were required to prepare, publish and keep updated a Charter addressing all end-users, including business end-users of all sizes, this option would have the highest impact on industry and likely incur the highest implementation costs.	All end-users would benefit from the information and clear articulation by providers of customer service commitments as to the specific level of customer service they offer their customers, set out in Charters.	Providing a Charter may have a positive impact on competition by helping to address an existing information asymmetry in the market between providers and end-users, and supporting customers receiving the Charter to make a

	Impact on industry	Impact on customers	Impact on competition
	If a provider had individual SLAs/customer service commitments for individual larger end-users, these would need to be articulated clearly in a Charter (single document, or one-stop-shop), which may likely be more complex, time consuming and therefore costly for providers (though not necessarily significantly more costly than the other options considered in this table).	However, with the Charter being a single document, and commitments offered potentially varying for larger end-users, this could result in a long and complex document that could be harder for this category of end users to navigate information in a Charter.	better-informed choice about their provider based on customer service levels offered.
<b>Option 2: Consumers</b>	Under option 2, providers would be required to prepare a Charter addressing consumers.  It is likely that a provider's customer service commitments offered would be the same across all consumers, and so preparing and publishing a Charter would likely be more straightforward and least costly of the options considered in this table.	Consumers would benefit from the additional information and clear articulation of commitments offered as to level of customer service set out in a Charter.  The Charter document would likely be shorter and clearer for consumers to find relevant information, than under option 1.	As this option only covers consumers, there could be a segment of end-users that would also benefit from the Charter that would miss out. The potential positive impacts on competition under this options could therefore be smaller than otherwise possible.
<b>Option 3: End-users that are consumers, microenterprises, small enterprises and not-for-profit organisations</b>	Option 3 sits in between options 1 and 2 in terms of likely impact on industry, including with regard to any costs of implementing a Charter.  Providers may need to develop different sub-sections of the Charter to cover non-residential organisations, but given those organisations are smaller and may have similar bargaining power to individual consumers, it is unlikely that customer service commitments offered	Consumers would benefit from the information and clear customer service standards set out in a Charter, as would other smaller organisations (microenterprises, small enterprises and not-for-profit organisations) that may have similar bargaining power to consumers in general.	This option would extend the benefits to other end users that are not consumers, and therefore knock-on potential positive impact on competition, to non-residential end-users with similar bargaining power to consumers, supporting their ability to make better informed choices.

	Impact on industry	Impact on customers	Impact on competition
	would differ significantly between individual organisations, or in all areas of the Charter.		

### 8.4.5 High-level nature of Charter contents

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: Information on providers' policies and/or procedures relating to key aspects of customer service</b>	<p>Providers would only be required to include information in the Charter on policies and procedures they already have in place, not to develop new policies or procedures. The impact of option 1 would therefore be limited to the time needed to identify relevant information to be included in the Charter, and to draft those sections of the Charter.</p> <p>If providers already published relevant information on their website, they could signpost to this information in the Charter, which could further lower the burden of this option.</p>	<p>Including the information noted in option 1 in a single location would support customers by acting as a 'one stop shop' for information on a provider's customer service level. This could help customers who have difficulties navigating providers' websites, and also support comparisons between providers.</p> <p>If providers include information on policies/procedures they already have but don't currently publish information on, this will help give customers insight into key elements of customer service their provider offers.</p>	Option 1 would help to address previously identified issues around transparency and information asymmetry, and could stimulate competition on the consumer side.
<b>Option 2: Specific commitments on the level of customer service a provider offers its customers</b>	As noted above, providers will only be required to express commitments in the Charter that they already have/align with existing business practices. They could choose not to make commitments (in which case	Including specific commitments as noted in option 2 would support customers in knowing exactly what their provider is willing to commit to (or not), and so to know what they can expect from their provider.	Requiring providers to explicitly state customer service commitments in a way that can be compared also creates transparency, and could stimulate competition both on the consumer and provider side (discussed further in section 8.4.1).

	Impact on industry	Impact on customers	Impact on competition
	<p>they must make this explicit using ComReg-set wording).</p> <p>The impact of option 2 would therefore be limited to the time needed to identify relevant commitments to include in the Charter.</p>	<p>If providers are not willing to make commitments, this is also useful for a customer to know, and can support customers in making an informed choice about whether a given provider could meet their needs or not.</p>	

	Impact on industry	Impact on customers	Impact on competition
<p><b>Sub-option 2a: Commitments are targets against which a provider's performance can be measured</b></p>	<p>Under sub-option 2a, providers would need to think strategically about what they would expect to face in the following three months, in determining what level of commitment to make (for example, anticipated call volumes to know what call waiting time to commit to).</p> <p>Under this sub-option, there is a chance that actual performance deviates from the target that providers commit to deliver to each customer. In this case, providers should consider what compensation they would offer customers.</p>	<p>Under this sub-option, consumers would know the level of customer service their provider was aiming to achieve for a set period of time, which would give some certainty. However, this is a risk that their actual experience would differ/be worse than the commitment made, which could give rise to dissatisfaction.</p>	<p>This option is more likely to incentivise providers to compete on commitments made than sub-option 2b, especially if this option was accompanied by evaluation of providers' actual performance against commitments.</p>
<p><b>Sub-option 2b: Commitments can be updated during the period, i.e., the Charter acts as a service status report</b></p>	<p>Under sub-option 2b, providers might not be incentivised to think as carefully about commitments being made, or to compete on commitments, as they could update initial commitments to reflect actual performance.</p> <p>Under this sub-option, providers could continually adjust commitments so that they were always delivering against those</p>	<p>Under this sub-option, it would be harder for customers to rely on commitments made, or potentially know which commitment would apply to their experience, if a provider could update the commitment as much as they wanted.</p>	<p>Under this sub-option, providers may be less likely to be incentivised to compete, as they could revise their commitment either when they see their competitors' commitments, and/or if actual</p>

	Impact on industry	Impact on customers	Impact on competition
	commitments, so the burden of this sub-option is arguably lower than with sub-option 2a.		performance started diverging from their committed target.
<b>Sub-option 2c: A Charter contains 'average' service level commitments across customer base</b>	If providers were to make commitments to average levels of performance, this would likely be lower burden than sub-option 2d, as providers could allow for a certain number of outliers while still meeting average targets.	Under sub-option 2c, it would be harder for customers to know if their experience was in line with commitments or not, as whether a provider delivered on their commitment or not would be assessed based on data over a period of time and across the wider customer base. Commitments made in this way would therefore be less meaningful to individual customers, which could undermine the value of the Charter to customers.	There may be greater incentives for providers to compete under this sub-option than with sub-option 2d, as a provider may be more likely to commit to a higher average service level as it would be easier to deliver than if commitments were expressed as minimum service levels.
<b>Sub-option 2d: A Charter contains 'minimum' service level commitments for individuals</b>	If providers had to meet their committed customer service level for all individual customers, they would have to work harder to ensure no outliers, which would likely have a greater impact on business operations than sub-option 2c.	Under sub-option 2d, it would be easier for an individual customer to know if their experience was in line with a provider's commitments or not. Customers may therefore find more value in such Charter commitments.	There is a risk with this sub-option that providers commit to less ambitious levels of service, to avoid the risk of being non-compliant. This could dampen competitive effects compared to sub-option 2c.

#### 8.4.6 Charter form requirements

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: Do not specify</b>	Option 1 would give providers the most flexibility to design the form of their Charter	Under option 1, Charters would likely vary substantially between providers.	With more flexibility in form requirements, providers could compete more on the 'look and feel' of their Charter. However, it is likely that

	Impact on industry	Impact on customers	Impact on competition
<b>form requirements</b>	<p>themselves, and to potentially innovate in how they presented their Charter.</p> <p>Providers might see this as an opportunity to personalise their Charter to their business, but they might also seek guidance from ComReg as to expectations for what a Charter should look like.</p>	<p>This would make it harder for customers to compare Charters.</p> <p>Without any ComReg-specified form requirements, there is a risk that providers could develop a Charter that was hard for customers to navigate or understand, or did not make important information (particularly the specific commitments) easy to identify.</p> <p>If there were no requirements around how commitments were specified, there is a risk that providers would make vague commitments that were essentially meaningless, or would all express commitments in different ways or use different definitions, meaning they couldn't be compared. Providers also may not make specific commitments, but this could be hard to tell depending on wording used, which may lead to customer confusion around what they could actually expect.</p>	<p>providers would express specific commitments differently, which would not support transparency goals and could limit effective competition on commitments (especially if providers all committed to slightly different things).</p>
<b>Option 2: Specify principles to guide Charter form</b>	<p>Option 2 would give providers similar flexibility as option 1 to design their Charter, but would provide some more clarity around ComReg expectations for what a Charter should look like. Principles tend to be relatively high-level, so this option might still leave providers with</p>	<p>The customer impact of option 2 would likely be similar to option 1, particularly around lack of comparability. Principles could address some risks around a Charter being hard for customers to understand, but due to their high-level</p>	<p>The impact on competition of option 2 would likely be similar to option 1 – principles would likely not ensure sufficient comparability of specific commitments.</p>

	Impact on industry	Impact on customers	Impact on competition
	some uncertainty over how to interpret principles and ensure they are compliant.	nature they may not address those risks fully.	
<b>Option 3: Specify limited prescriptive requirements</b>	Option 3 would give providers some, but less, flexibility around how they designed their Charter. However, it would highlight the key areas ComReg considered to be important to be consistent across providers' Charters, which could act as helpful guidelines as to ComReg's expectations, and reassure providers that they could take full advantage of the flexibility in other areas.	Under option 3, ComReg could specify key elements to make it somewhat easier for customers to navigate and compare providers' Charters.  This option could include specific requirements around how the specific commitments were framed/worded, which would address risks outlined under option 1.	Option 3 would still allow for providers to compete on the presentation of their Charter. If specific requirements were included around how commitments were made, this could support more effective competition than options 1 and 2.
<b>Option 4: Set out template for Charter form</b>	Depending on the nature of the template, option 4 would give providers the least flexibility around how they designed their Charter. However, it would likely be the clearest way of ensuring providers understood ComReg's expectations for Charter form.	Under option 4, if all providers used the same template, this would ensure maximum comparability between different providers' Charters. ComReg could design a template to ensure a Charter was easy to navigate and that key information had appropriate prominence.	The impact on competition of option 4 would likely be similar to option 3 – depending on the nature of the template, providers could still have some ability to tailor their charter and personalise it to their business. A template would provide the most consistent grounds for commitments to be made that could be compared, which would likely support effective competition the best.

### 8.4.7 How and when a Charter will be updated

8.46 Options 1 to 5 are on a spectrum, ranging from shorter commitment periods and more frequently permitted updates, through to longer commitment periods and less frequently permitted updates. The impacts are discussed in this way, rather than separately for each option, to avoid repetition.

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: Monthly commitments and monthly updates</b>	<p>The more we move toward the option 1 end of the spectrum, the greater the administrative burden on providers, as they would potentially have to prepare and publish new Charter versions on a more frequent basis.</p> <p>However, the more we move toward the option 1 end of the spectrum, the more agile providers could be in adjusting commitments if previously made commitments are either too ambitious or not ambitious enough, which could be beneficial for providers.</p> <p>Moving towards the option 5 end of the spectrum, providers would have to base commitments on more of a forecast and would be locked into commitments for a longer period of time. If actual performance varied substantially from commitments, which could happen due to factors outside a provider's control, providers could effectively be locked into commitments they are unlikely to deliver on for the rest of the period.</p>	<p>The more we move toward the option 1 end of the spectrum, the more frequently the Charter version could change. This could make it harder for customers to keep track of which commitments applied to them, which could cause customer confusion.</p> <p>However, the more we move toward the option 5 end of the spectrum, the more likely it is that actual provider performance could differ from Charter commitments (because providers are locked into commitments for longer). This could mean an increased likelihood of customer dissatisfaction, if their experience is significantly different from what their provider committed to.</p>	<p>The option chosen could affect the way that providers compete on quality-of-service standards.</p> <p>The more we move toward the option 1 end of the spectrum, the more providers could update their commitments, and potentially change their initial commitments based on what their competitors commit to, and so the more providers may be incentivised to compete on customer service levels.</p>
<b>Option 2: Monthly commitments and quarterly updates</b>			
<b>Option 3: Quarterly commitments and quarterly updates</b>			
<b>Option 4: Quarterly commitments and annual updates</b>			
<b>Option 5: Annual commitments and annual updates</b>			

### 8.4.8 How customers will be notified about the Charter

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: No specific customer notification</b>	Option 1 would have the lowest impact on industry as this would involve no additional burden.	The Charter is a new regulatory intervention. Given there are not directly comparable documents in other sectors, if customers don't get a notification alerting them to the existence of the Charter, there is a high likelihood that	Some of the positive impacts on competition that could arise from the Charter depend on customers stimulating competition, by having more confidence to engage in the market and

	Impact on industry	Impact on customers	Impact on competition
		the majority of customers would be unaware about the new information available to them in the Charter and what they could use it for. This would undermine the potential benefits of the Charter.	choose providers based on the customer service commitments they make. If customers are unaware of the Charter, this could limit the realisation of those benefits. Under option 1, the potential positive impacts on competition may therefore not be fully realised.
<b>Option 2: Include notification as part of pre-contractual information</b>	<p>Option 2 would involve some additional impact on industry, to prepare the notification.</p> <p>ECS providers already are obliged to provide consumers (and certain other end users) with specific information as part of the pre-contractual process, and any notification of customers about the Charter would likely be short and easily incorporated into existing pre-contractual material, the ongoing cost of sending such a notification would likely be insignificant.</p>	<p>Option 2 would increase the likelihood that customers become aware of the Charter, and therefore that the potential benefits can be realised.</p> <p>Given customers could use Charter information to make an informed choice about their provider, receiving this information before signing up to a new contract would be a salient time.</p> <p>However, given the volume of information already provided at the pre-contractual stage, there is a risk that the Charter notification is lost, and customers are overloaded with information. In addition, only customers signing a new contract with a provider would be notified about the Charter.</p>	Option 2 would support the potential positive impacts on competition being realised, by increasing customer awareness of the Charter.
<b>Option 3: Include notification with or on bills</b>	<p>Option 3 would also involve some additional impact on industry, to prepare the notification.</p> <p>The costs involved would depend on how providers decided to implement the notification. If they added a message onto</p>	<p>Option 3 would also increase the likelihood that customers become aware of the Charter, and therefore that the potential benefits can be realised.</p> <p>Customers will be used to receiving bills, and of all communications there is the greatest</p>	Option 3 would support the potential positive impacts on competition being realised, by increasing customer awareness of the Charter.

	Impact on industry	Impact on customers	Impact on competition
	<p>existing bills, that would likely incur a one-off cost to make system changes to process the amendment to bills, but after this there would likely be minimal ongoing impact.</p> <p>If providers sent an additional notification alongside bills, there would be a one-off cost to develop the notification. For notifications sent alongside paper bills, there would also be an ongoing cost of the additional piece of paper sent in the envelope, though this cost would not exist for bills issued electronically.</p>	<p>likelihood that they open and read their bill, so they may be more likely to pay attention to a notification about the Charter if it comes with a bill. If the notification was included regularly on bills, rather than a one-off, there is a smaller chance that customers miss the notification. However, the notification could get lost among other information included on a bill.</p> <p>In addition, not all customers get bills – customers who pre-pay/buy top-up credit would therefore miss out on the notification and would be less likely to be aware of the Charter.</p>	
<b>Option 4: Standalone customer notification</b>	<p>Option 4 would likely involve a greater additional impact on industry, to prepare and send a notification to all customers addressed by a Charter.</p> <p>The impact would depend on the frequency that the notification was required to be sent, and to some extent on the method of notification – an electronic notification (via email, SMS, app etc) would likely incur lower costs than sending notifications by post.</p>	<p>Option 4 would increase the likelihood that customers become aware of the Charter, and therefore that the potential benefits can be realised.</p> <p>This option would be an addition to the regular information customers get, and so could lead to information overload.</p> <p>There is also a risk that customers think that the notification is a marketing message, particularly on the first occasion of receiving the notification, given it comes from the provider directly and they won't have heard of a Charter before. This could undermine customer confidence in the value of the Charter.</p>	<p>Option 4 would support the potential positive impacts on competition being realised, by increasing customer awareness of the Charter.</p>

### 8.4.9 How performance against Charter commitments will be evaluated

	Impact on industry	Impact on customers	Impact on competition
<b>Option 1: No evaluation</b>	<p>Option 1 would have the lowest impact on industry as this would involve no additional burden.</p> <p>However, it would also not hold providers accountable to the commitments they make, as there would be no mechanism to show whether commitments were met or not. This could result in providers making commitments that are not honoured, without recourse (or this being apparent to customers).</p>	<p>Under option 1, customers would have no way of knowing whether the actual experience they would get with a provider would match the commitment made. This could potentially undermine customer confidence in commitments made, and dampen the potential benefits of a Charter in terms of creating transparency and customers' use of Charter information to make informed choices.</p>	<p>Evaluating providers' performances against their Charter commitments is a key component to realising the positive expected impacts on competition. Without a reconciliation of actual performance against Charter commitments and publication of these results, there is a risk that providers 'compete' on the Charter commitments they make to attract customers to their proposition, without backing this up with appropriate efforts to deliver on those commitments. This would not represent a genuinely beneficial impact on competition, and could lead to undesirable customer outcomes.</p>
<b>Option 2: One-off evaluation</b>	<p>Option 2 would impose a one-off additional burden on industry, with some costs involved in recording performance against commitments, compiling this into a report and getting it independently audited.</p> <p>This option would hold providers accountable for delivering against the initial commitments they make, though if evaluation and reporting was only done once then the effect of this may wane after initial evaluation was completed.</p>	<p>Option 2 would provide a one-off snapshot to customers as to whether providers met their commitments, and so how much they can rely on Charter commitments going forward. This could address the shortcomings with option 1 (from a customer perspective) to a certain extent. However, these issues could potentially arise after the initial evaluation was completed.</p>	<p>Option 2 would address the risks of option 1, to a certain extent, by incentivising providers to deliver on initial commitments. However, if evaluation and publication of performance was only a one-off exercise, the risks identified with option 1 could arise for subsequent Charter commitments after the initial evaluation was completed.</p>

	Impact on industry	Impact on customers	Impact on competition
<b>Option 3: Ongoing evaluation</b>	<p>Option 3 would likely have the greatest burden on industry, by requiring regular reporting (and potentially auditing of that reporting). However, if automated processes could be set up to enable this reporting, the actual ongoing burden of reporting could be relatively low.</p> <p>This option would hold providers the most accountable to deliver on their Charter commitments.</p>	<p>Option 3 would address the shortcomings of option 1 (from a customer perspective) on an ongoing basis, by providing regular validation of whether providers have honoured Charter commitments.</p> <p>If ComReg regularly published evaluation results comparing providers' performances, this could further support customer confidence in making informed choices, as they would have a new source of impartial information to consider when choosing the best provider for their needs.</p>	<p>Option 3 would most reinforce the positive impacts on competition that the Charter could have. By regularly evaluating and publicising how providers have actually performed against their commitments, this would raise awareness both of commitments made, and of actual performance. This should strengthen incentives both for providers to compete on commitments, and deliver against those commitments.</p>

### Frequency of ongoing provider reporting

- 8.47 Sub-options 3a to 3d are on a spectrum, ranging from more to less frequent reporting. The impacts are discussed in this way, rather than separately for each sub-option, to avoid repetition.

	Impact on industry	Impact on customers	Impact on competition
<b>Sub-option 3a: Monthly reporting</b>	<p>The impact on industry in terms of cost incurred in regular reporting is likely to involve two key components – generating a performance report, and verifying its contents/getting the report signed off.</p> <p>Assuming automated processes were set up to enable ongoing reporting, the generation of a report should be a minimal burden,</p>	<p>The more frequent reporting was – assuming that reporting was made visible to customers in some way (e.g., via ComReg publishing a comparison of results) – the better visibility customers would have of providers' actual customer service levels. This should make it easier for customers to know whether they could trust the commitments their provider makes in their Charter, supporting customers' ability to</p>	<p>The more frequently providers report actual performance, the greater the incentive to deliver their Charter commitments, as with a shorter reporting timeframe any poor performance would be more noticeable.</p> <p>More frequent reporting (i.e., moving towards sub-option 3a) would therefore likely drive a</p>
<b>Sub-option 3b: Quarterly reporting</b>			
<b>Sub-option 3c: Biannual reporting</b>			
<b>Sub-option 3d: Annual reporting</b>			

	Impact on industry	Impact on customers	Impact on competition
	<p>regardless of frequency of reporting, as this could be done by the click of a button.</p> <p>The verification and sign-off of a report would likely be a more manual process, and so would likely take more time and resource. This burden would likely be higher the more frequent reporting was (i.e., moving towards sub-option 3a).</p>	<p>use Charter information to decide if their provider's customer service levels meet their needs.</p> <p>More frequent reporting (i.e., moving towards sub-option 3a) would therefore be likely to have greater benefits for customers than less frequent reporting (moving towards sub-option 3d).</p>	<p>more competitive dynamic than less frequent reporting (moving towards sub-option 3d).</p>

### Independent audit of provider reporting

- 8.48 Sub-options 3f to 3h are on a spectrum, ranging from more to less frequent auditing. The impacts are discussed in this way, with only sub-option 3e (no audit requirements) separated out, to avoid repetition.
- 8.49 We note that the impact of sub-options 3f to 3h depend on the frequency of reporting (i.e., whether sub-option 3a, 3b, 3c or 3d was chosen). For example, if sub-option 3a was chosen then sub-option 3f would effectively require monthly audits and sub-option 3g is requiring bi-monthly audits. In comparison, if sub-option 3d was chosen then sub-options 3f and 3h would be the same (both annual audits) and sub-option 3g would be an audit every other year.

	Impact on industry	Impact on customers	Impact on competition
<b>Sub-option 3e: Do not require providers to arrange for performance reports to be audited</b>	<p>If providers did not have to arrange for reporting to be audited, there would be no additional burden (compared to sub-options 3f to 3h), and so sub-option 3e would have the smallest impact on industry.</p>	<p>If providers submitted performance reports to ComReg without the reports being independently audited, there would be no way for customers to know whether the performance was being accurately reported.</p>	<p>Without performance reports being audited, there would be a risk that providers report inaccurately. This could skew competition by making provider performance look better than it really is.</p> <p>This would undermine the transparency objective of the Charter</p>

	Impact on industry	Impact on customers	Impact on competition
		This could undermine trust in performance reports, thereby reducing customer confidence in whether providers were delivering the commitments made in their Charter.	and distort any assessment of whether customer service levels have actually improved or not.
<b>Sub-option 3f: Require providers to arrange for every report to be audited</b>	<p>If a provider were to arrange for an independent audit of one of more performance reports, they would need to engage the services of a third party to conduct the audit. It is likely that this cost would be proportionate to the frequency with which audits were required, so the impact on industry would likely increase the more frequently they were required to get reports audited.</p> <p>As noted above, the relative burden on industry of sub-options 3f to 3h depends on the frequency of reporting.</p> <p>If reporting was monthly, quarterly or biannual, then sub-option 3f is most burdensome and 3h least burdensome for industry. If reporting was annual, sub-options 3f and 3h are equally burdensome (annual audit) and 3g would be least burdensome (audit every other year).</p>	<p>Requiring providers to arrange for performance reports to be independently audited would ensure that reporting is accurate, so there would be full transparency around actual customer service levels.</p> <p>The more frequently reports were audited, the more this would be likely to support customer trust in performance reports, with the subsequent impact on confidence and use of Charters to make informed choices.</p>	<p>Requiring providers to arrange for performance reports to be independently audited would ensure that performance was accurately reported, avoiding any skewing of competition. In addition, the more frequently reports were audited, the greater the incentives on providers to both deliver their charter commitments and to report performance accurately.</p>
<b>Sub-option 3g: Require providers to arrange for every other report to be audited</b>			
<b>Sub-option 3h: Require providers to arrange for a report to be audited once a year</b>			

## 8.5 Step 5: Assess the impacts and choose the best option

### 8.5.1 Overall approach to implementing a Charter

- 8.50 ComReg is of the preliminary view that the lack of transparency around the quality of customer service, and lack of commitments made by service providers on the specific level of customer service they offer their customers, are evidence of an information asymmetry that could dampen competition, which may lead to poor customer outcomes.
- 8.51 In the absence of regulation, providers have not offered an adequate level of customer service experience for their customers, and maintaining the status quo (i.e., adopting option 1) is likely to result in a continuation of the issues and poor outcomes for end-users, as demonstrated in chapter 3. ComReg therefore considers that option 1 is not a viable option.
- 8.52 The other options considered would each involve the introduction of a Charter to provide a 'one stop shop' where customers can find information about their provider's policies/procedures relating to various aspects of customer service and the level of customer service a customer could expect to receive. When implementing a Charter, the key difference between options 2-4 would be whether standards around the level of customer service are set individually by providers (specific provider set commitments, option 2), mandated Minimum Quality of Service Standards set by ComReg (option 3), or a combination of options 2 and 3 (option 4).
- 8.53 In choosing between options 2 to 4, ComReg has weighed up the relative benefits and costs of each option. In terms of the benefits of the options, ComReg has considered the extent to which each option would likely deliver its Statutory objectives and the two key policy objectives for a Charter (i.e., creating transparency around the level of customer service providers offer, and driving improvements in overall customer service levels), as set out in section 8.1.
- 8.54 Regarding transparency, it is ComReg's provisional view that options 2, 3 and 4 would all be likely to achieve this objective, as having a Charter in place would improve the information available to customers on their provider's customer service, and act as a 'one stop shop' to support customers in overcoming challenges around navigating provider websites. It is envisaged that a Charter prepared under options 2, 3 or 4 would include some form of clearly articulated customer service standards (whether information on provider set commitments and/or ComReg set Minimum Quality of Service Standards), which would also create transparency around what levels of customer service can be expected from each provider.
- 8.55 The key difference between the benefits of options 2, 3 and 4 is likely to be around the extent to which providers are incentivised to compete on, and drive up, quality of

overall customer service. Each option has the potential to improve customer service levels in different ways.

8.56 Option 2 would focus on stimulating competition in two ways:

- On the consumer side, having clear information on customer service commitments that is comparable between providers should support customers in making informed choices, and give them more confidence to engage in the market and switch provider if their current provider is not providing customer service levels that meet their needs, and
- On the provider side, having to clearly articulate customer service commitments that are directly comparable with other providers' commitments should incentivise providers to compete on quality of customer service, to retain existing customers and/or gain new customers.

8.57 Options 3 and 4 would seek to impose ComReg set Minimum Quality of Service Standards across the market, to differing degrees (across all explicit categories under the Act for option 3, and some explicit categories under the Act under option 4). ComReg could, subject to consultation, seek to set Minimum Quality of Service Standards in order to help ensure customers experience an improved level of customer service than they currently do. However, this may have the effect that competition between service providers is dampened, by possibly reducing incentives for providers to compete on quality of customer service. The overall benefits to customers are therefore likely to be more certain under options 3 and 4 than under option 2 – as customer service standards across providers would not be able to fall below a certain level – but possibly may not be as great as the potential benefits from providers being incentivised to compete more under option 2.

8.58 In terms of the relative costs of options 2 to 4, ComReg provisionally considers these likely would be lower under option 2 compared to option 3. Under option 2, providers would incur some implementation costs in developing and publishing a Charter. However, by allowing providers flexibility to make their own commitments (if any) in the first instance, the implementation costs of introducing a Charter may be minimised, as providers could make commitments that are in line with their current model of customer service and business operations. In comparison, option 3 could result in providers incurring additional costs to adapt their business operations to meet any ComReg-specified Minimum Quality of Service Standards.

8.59 In weighing up the relative benefits and costs of each option, ComReg is of the preliminary view that option 2 – initially allowing providers to set their own customer service commitments – would be a more proportionate and appropriate option than moving straight to seek to impose Minimum Quality of Service Standards (under either options 3 or 4) in the first instance.

- 8.60 ComReg notes that in a competitive market, it is normal for firms to choose to offer different combinations of price and quality. Low-cost, low-quality providers are valued by customers and, more generally, can drive a competitive dynamic in the wider market. Intervening in such circumstances therefore needs to be carefully considered. Provided that customers can exercise choice and switch service providers, with the benefit of transparent and reliable information on what they can expect in terms of level of customer service, competition on price and quality should ensure that overall consumer welfare is promoted.
- 8.61 In that context, option 2 would aim to allow competition dynamics to work more effectively. This phased approach to implementing a Charter would aim to strike a balance between creating transparency for customers, thus empowering them to independently evaluate service providers' customer service offered and make informed choices; and driving improvement in levels of customer service while being mindful of any impact and regulatory burden on providers.
- 8.62 It is also noted that the effectiveness of option 3 would likely rely on ComReg being able to base any Minimum Quality of Service Standard (if so decided subject to consultation) on real operational data. In order for ComReg to be able to establish such an evidence base, it is proposed that service providers make their customer service offering more transparent, in a manner that ComReg could monitor and evaluate across the market specific levels of customer service providers of IAS and ICS offer their customers. ComReg will monitor and evaluate implementation of the Charter requirements and the levels of customer service committed to and implemented by providers for their adequacy. This is with a view to understand whether competition is effective or not as regards ensuring that end-users are protected, and that the objectives of the Act are met.
- 8.63 ComReg proposes to take a phased approach, as set out in section 4.2, by starting with **option 2**. Without prejudice to the power to impose Minimum Quality of Service Standards at any time, following an adequacy review, should ComReg consider that option 2 (the level of customer service committed to and/or implemented by some or all providers of IAS and ICS) does not ensure effective consumer protection or that the Charter objectives are met, ComReg may seek to move to options 3 or 4. It is ComReg's preliminary view that this approach would give providers of IAS and ICS, in the first instance, a chance to offer and clearly articulate their customer service commitments to customers, while also enabling ComReg to monitor and evaluate service providers' actual performance in relation to any Charter commitments they give. If there are unaddressed risks or ComReg otherwise considers there is a need to intervene, ComReg may seek to move to the specification of Minimum Quality of Service Standards, subject to further consultation. Furthermore, ComReg may seek to update Charter requirements and may seek to require any Minimum Quality of Service Standards information is included in a Charter. It is expected that the level of customer service committed to and/or implemented by some or all providers of

IAS and ICS would help ensure effective consumer protection or that the Charter objectives are met.

## 8.5.2 Which providers Charter requirements will apply to

- 8.64 For the purposes of setting out the benefits and risks of different options, we have considered the question of which providers Charter requirements will apply to in two parts: which categories of providers (providers of IAS, number-based ICS and/or number-independent ICS – options 1, 2 and 3 respectively), and whether requirements should apply to all providers within a category (sub-option (a)), or only those above a certain threshold (sub-option (b)).
- 8.65 In considering both aspects of this question, ComReg has been mindful of seeking to ensure that measures taken by ComReg are proportionate, having regard to our statutory objectives (including around promoting competition and the interests of users within the community) and objectives for a Charter.
- 8.66 While Charter provisions do not stem from the ECC Regulations, we have considered the extent to which different end-user provisions from the ECC Regulations apply to different categories of providers, to ensure a level of consistency. All of the end-user obligations in the ECC Regulations apply to IAS providers and number-based ICS providers<sup>47</sup>, and so for consistency it would seem appropriate that Charter provisions also apply to those providers. These are also the providers that the evidence in chapter 3 applies to, where there is a demonstrable need for improvements in transparency and customer service to be made.
- 8.67 Number-independent ICS providers are, since the introduction of the ECC Regulations, now included in the definition of electronic communications services, and so are subject a series of new obligations. However, they are not subject to the same extent of regulatory requirements as IAS providers and number-based ICS providers. For example, only a sub-section of end-user provisions in the ECC Regulations apply to number-independent ICS providers.
- 8.68 ComReg considers that there could be benefits to customers and competition from Charter requirements applying to number-independent ICS providers in the longer term. However, given the Charter is a new measure to assist consumers and other end-users, ComReg provisionally considers that it is proportionate to target it in the first instance to where there is greatest evidence of poor customer outcomes – namely the providers of fixed and mobile internet and phone services that serve the majority of the population, as covered by the data set out in chapter 3. ComReg therefore propose, for the first phase of Charter requirements, to adopt **options 1 and 2**, and not option 3.

---

<sup>47</sup> Other than part of Regulation 89 relating to termination of contracts based on discrepancy of service.

8.69 ComReg is also cognisant of the impact that Charter requirements may have on smaller providers of ECS. Introducing Charter requirements are anticipated to drive competition including as regards overall levels of customer service across the market. However, to the extent that the regulatory burden of Charter requirements could result in undesirable competitive or other unintended consequences, such as barriers to entry, applying a threshold would preclude this possible impact. In line with our duty to seek to ensure that measures we take are proportionate, we therefore propose to target Charter requirements at larger providers above a certain threshold, i.e., to adopt **sub-option (b)** (for both options 1 and 2), for the first phase of the Charter.

8.70 When assessing how adequate Charter requirements have been (in a phase 2), having regard to the objectives for a Charter, ComReg may give consideration again to the relative merits/costs of possibly extending requirements to smaller IAS and number-based ICS providers, and/or to number-independent ICS providers, as appropriate.

### 8.5.3 Which classes of end-user the Charter will address

8.71 Option 1 would cover all classes of end-user, including larger enterprises. As noted in recital 259 of the Code<sup>48</sup>, larger enterprises usually have stronger bargaining power, and so may not depend on the same contractual information requirements as consumers. ComReg considers it is less likely that larger enterprises would benefit from a Charter, particularly as they may already have a service level agreement or similar with a service provider, that gives them assurance about the relevant aspects of the customer service they will receive. It is therefore likely not proportionate to require providers to have a Charter addressing all end-users, and so option 1 is not the preferred option as regards this policy decision.

8.72 Option 2 would cover only consumers, i.e., residential/individual users, whereas option 3 would also cover other end-users that are microenterprises, small enterprises and not-for-profit organisations. Such end-user types are likely to have a similar level of bargaining power in their dealings with their supplier, compared to consumers. Arguably these other organisations might benefit from equivalent protections to consumers, as they are also likely to be at risk of unequal power caused by information asymmetry.

8.73 For key end-user protection provisions in the ECC Regulations, such as those relating to contract information, maximum contract duration and bundles, the approach was taken to extend consumer protections to microenterprises, small enterprises and not-for-profit organisations. While the Charter provisions do not stem

---

<sup>48</sup> Official Journal of the European Union (2018), Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code. Accessed [online](#).

from the ECC Regulations, it seems appropriate to extend the Charter measure to other small end-users (microenterprises, small enterprises and not-for-profit organisations) engage with their providers. In a similar way as residential consumers, they would likely benefit from greater clarity and commitments as to the level of customer service they can expect from their provider as well.

- 8.74 ComReg therefore proposes to adopt **option 3**, and require providers to prepare, publish and keep updated a Charter that address all consumers, microenterprises, small enterprises and not-for-profit organisations.

#### 8.5.4 High-level nature of Charter contents

##### *Options 1 and 2*

- 8.75 In terms of the two high-level options identified in relation to information that could be required to be published in a Charter, ComReg considers there are benefits to including both categories of information in the Charter, to help achieve the objectives, as set out in section 8.2 above and in chapter 3.

- 8.76 Both options could achieve the first objective of creating transparency:

- Option 1 would improve the information available to customers on their provider's customer service and, by acting as a "one stop shop" which should make it easier for customers to find that information, and
- Option 2 would introduce clearly articulated customer service standards, and enable these commitments to be easily compared between providers.

- 8.77 The second objective is to help drive improvements in overall customer service levels. Option 2 would likely be more effective in achieving this, by stimulating competition, and behaviour on the consumer and provider side geared towards driving a more competitive dynamic, as discussed in section 8.4.1. We therefore propose to adopt **both options 1 and 2** for Charter requirements, *inter alia*, that ComReg would seek to specify that both categories of information as set out in **options 1 and 2** are required to be included in the Charter.

##### *Sub-options 2a and 2b*

- 8.78 In terms of sub-options 2a to 2b, the key difference is a provider's ability to change commitments once they have been set, to reflect actual performance.

- 8.79 Under sub-option 2b, providers would be able to update commitments during the period to reflect actual performance more accurately. Providers could potentially update commitments multiple times in a quarter, to track performance, which risks undermining the Charter objectives. In contrast, frequently changing commitments

could be less transparent, as it would be harder for customers to know which commitments were relevant. If providers could update commitments to reflect actual performance, however, if such flexibility were to provide less of an incentive for providers to compete on the specific level of customer service they offer their customers, levels of customer service may not improve overall in the ECS market.

- 8.80 On Balance, sub-option 2a would help avoid such a risk, by requiring providers to set commitments in advance for a set period of time and not changing them. This is likely to better achieve both Charter objectives and ComReg's statutory objectives. ComReg is therefore proposing to adopt **sub-option 2a**.

*Sub-options 2c and 2d*

- 8.81 The key difference between sub-options 2c and 2d is the extent to which a Charter commitment is meaningful to an individual customer. Average service level commitments (sub-option 2c) are likely to be less meaningful to an individual customer, as it would hard for them to know whether their experience was in line with a provider's commitments or not.
- 8.82 In comparison, with any customer service level commitments (sub-option 2d) it would be easier for an individual customer to know if their experience was in line with a provider's commitments or not.
- 8.83 Another aspect to consider when weighing up sub-options 2c and 2d is the potential impacts on incentives for providers to compete on customer service levels. It is arguably easier for a provider to comply with average service level commitments – by the very nature of averages, in a large sample size it is possible for outliers to exist without the average being dramatically affected. In comparison, with any minimum service level commitments, providers ought to meet a minimum level for every individual customer, geared towards avoiding any risk of outliers in terms of poor levels of customer service.
- 8.84 Providers would take this into account when considering what level to set a specific level of customer service they offer their customers at. All being equal, it is likely that if providers were to make commitments to average levels of performance, they would be more ambitious than when making any commitments to minimum levels of performance.
- 8.85 On balance, ComReg considers it is more important that a Charter contains commitments that apply to, and are relevant for, individual customers. With average commitments, there is a risk that a customer experiences an outcome that is worse than the average service level a provider promises, but the provider is still delivering against the commitment overall, and the customer loses confidence in the value of the Charter. This could undermine customer confidence in the Charter. ComReg is, therefore, proposing to adopt **sub-option 2d** geared towards ensuring that end users

are protected.

- 8.86 While providers may not be as ambitious in setting service commitments as average commitments, it is expected that providers will make reasonable commitments. Should ComReg proceed with introducing a Charter, ComReg will monitor and evaluate implementation of the Charter requirements and the levels of customer service committed to and implemented by providers for their adequacy. Without prejudice to the power to impose Minimum Quality of Service Standards at any time, following an adequacy review, should providers make unreasonably low-level commitments, or not offer a specific level of customer service to their customers, ComReg will consider whether it is necessary for ComReg to seek to move to the specification of Minimum Quality of Service Standards, subject to further consultation. Furthermore, ComReg may seek to update Charter requirements and may seek to require any Minimum Quality of Service Standards information is included in a Charter.

### 8.5.5 Charter form requirements

- 8.87 The options identified relating to Charter form sit on a spectrum, ranging from option 1 (not specifying any form requirements) that offers providers the most flexibility, through to option 4 (specifying a Charter template).
- 8.88 The more specific ComReg is in specifying form requirements (i.e., the more toward the option 4 end of the spectrum), the easier it will be to compare Charters between providers. This would support customers evaluating the customer service offer of different providers, which is a key part of our objectives for the Charter. However, it is also important that providers have some flexibility in tailoring their Charter to their brand and business proposition.
- 8.89 In deciding where on this spectrum to choose, ComReg has weighed up the relative importance of flexibility for providers versus comparability of Charters. We consider that comparability is absolutely vital for the Charter objectives to be achieved. If providers are allowed complete flexibility to determine Charter form, different providers will include different information, with different levels of detail, and presented in different ways. This will make it very difficult for customers – or ComReg – to compare the customer service offering between providers and make an assessment about the relative adequacy of Charters. Without certain ComReg set parameters as to form of a Charter, it will be much harder to create transparency or to incentivise greater competition on customer service standards.
- 8.90 On balance, ComReg is therefore of the view that **option 4**, a template for all providers' Charters to follow, is the most appropriate option, to help ensure transparency of information for customers and comparability of Charters between providers. However, in the design of the template for a customer Charter, ComReg

has aimed to strike a balance between parts that are directly comparable between providers, and elements where providers can tailor content and formatting to their brand and policies.

### **8.5.6 How and when a Charter will be updated**

- 8.91 The options for how long commitments are set for, and how frequently a Charter is updated, are also on a spectrum, ranging from shorter commitment periods and more frequently permitted updates (option 1), through to longer commitment periods and less frequently permitted updates (option 5).
- 8.92 In deciding where on this spectrum to choose, the key factors we have considered are, the incentives on providers to compete, the customer experience (both ease of customers knowing which commitments apply to them, and the likelihood of customers receiving an experience that is in line with commitments), and any administrative burden on providers.
- 8.93 The shorter the commitment period, the less forecasting a provider would have to do when considering what level of customer service to commit to, and so the better placed they should be to accurately assess what level of customer service they could comfortably commit to. The more frequently providers can update their Charter (i.e., the shorter the period(s) a provider has to set commitments for in one go), the more agile providers could be in adjusting commitments if previously made commitments are either too ambitious or not ambitious enough. Providers would also be able to observe commitments made by their competitors, and potentially adjust their own in response.
- 8.94 These factors combined would suggest that the more we move toward the option 1 end of the spectrum, the more providers should be incentivised to compete on customer service levels. In contrast, the more toward the option 5 end of the spectrum we move, the more providers would have to base commitments on a forecast, and would be locked into commitments for a longer period of time. If actual performance varied substantially from commitments, which could happen due to factors outside a provider's control, providers could effectively be locked into commitments they are unlikely to deliver on for the rest of the period.
- 8.95 In terms of the consumer experience, the more we move toward the option 1 end of the spectrum, the more frequently the Charter version could change. This could make it harder for customers to keep track of which commitments applied to them, which could cause customer confusion. However, toward the option 1 end of the spectrum it is also more likely that customers would get an experience in line with what their provider committed to (all else being equal), as providers would be setting their commitments closer to the time, and based on less of a forecast.

- 8.96 In contrast, the more we move toward the option 5 end of the spectrum, the more likely it is that actual provider performance could differ from Charter commitments (because providers are locked into commitments for longer). This could mean an increased likelihood of customer dissatisfaction, if their experience is significantly different from what their provider committed to.
- 8.97 Finally, in practical terms, more frequent Charter updates (closer to the option 1 end of the spectrum) could result in more administrative burden for providers, due to preparing and publishing new Charter versions on a more frequent basis.
- 8.98 Bringing these factors together, ComReg's preliminary assessment is that somewhere toward the middle of the spectrum would be most appropriate, to strike a balance between the impacts on providers and effects for customers. On balance, ComReg proposes to adopt **option 2**, with providers being asked to make monthly commitments, and allowed update their Charter on a quarterly basis. Under this option, it is envisaged that providers would make commitments for three months at a time. A provider could choose to make the same commitment for each of those three months, which would effectively be option 3.

### 8.5.7 How customers will be notified about the Charter

- 8.99 As discussed previously, a Charter will likely be more effective in meeting our stated objectives if customers are aware of their existence, and of what they can use the Charters for. Given the Charter is a new regulatory measure to assist end-users, customers are unlikely to be aware of it without some kind of notification. ComReg therefore considers it is important that providers are required to proactively notify customers about their Charter at some point after it has been published for the first time, and so option 1 (no specific customer notification) has been discarded at this stage.
- 8.100 Of the other options considered, there are pros and cons to each. Relevant factors we have given consideration to include; how many customers would receive a notification, how any notification(s) would add to the overall amount of information customers are receiving, the likelihood of customers noticing/paying attention to any notification(s), and salient times to possibly prompt customers about the existence of the Charter.
- 8.101 Options 2, 3 and 4 would all involve regular notifications to various groups of customers. Coverage of customers by a notification increases moving through the options:
- Option 2 would only cover customers switching to a new contract,
  - Option 3 would cover all customers who receive a bill. This would cover the majority of customers, though would exclude a significant minority of

mobile customers – in Q3 2022 44.6% of mobile subscriptions (excluding mobile broadband and machine-to-machine subscriptions) were prepaid<sup>49</sup>, and

- Option 4 would cover all customers.

8.102 Given the notification requirement under options 2, 3 or 4 would be a new requirement, should ComReg proceed with introducing a Charter, all options would add to the amount of information customers receive. The extent of this would depend on how providers designed the notification (e.g., how much information was included), and for options 2 and 3, whether providers just include a sentence or two on an existing communication, or send something more substantial at the same time.

8.103 With options 2 and 3 the Charter messaging could be lost among other pre-contractual or billing information, while the standalone nature of the communication under option 4 could be an advantage for capturing customer attention.

8.104 In terms of appropriate times to notify customers about the Charter, options 2 and 4 would arguably be most relevant. Option 2 would come at a time when customers are switching provider and could benefit from clarity around the specific level of customer service they offer their customers, alongside contract commitments. As option 4 would be a new communication, it could be timed for just after the Charter was first published and/or when a provider changed their Charter.

8.105 It is noted that provider-led communications are advantageous as providers have a relationship with their customers and so are best placed to communicate directly with their customers about matters such as new customer service commitments. However, ComReg also runs information campaigns and publishes consumer news articles. ComReg could also play a role in raising awareness about the existence of the Charter and what it can be used for.

8.106 Having regard to the RIA analysis, ComReg is minded to propose to adopt **option 2**. ComReg considers that notifying customers about what they can expect relating to customer service before they sign a new contract with their provider is a particularly appropriate time. This option should also place minimal additional burden on providers, given they already send pre-contractual information to customers.

## 8.5.8 How performance against Charter commitments will be evaluated

8.107 ComReg considers that evaluating providers' actual performance against their Charter commitments is a key part of achieving our statutory objectives and objectives for the Charter. In the absence of an evaluation of performance and such findings being published in some form so that customers can also see, there is a risk

---

<sup>49</sup> ComReg Quarterly Key Data Report statistics for Q3 2022. Accessed [online](#).

that providers could make Charter commitments without backing them up with appropriate efforts to deliver on those commitments. This would not represent a genuinely beneficial impact on competition, and could lead to undesirable customer outcomes. Option 1 (no evaluation) has therefore been discarded at this stage.

- 8.108 When considering options 2 and 3, there is a trade-off between benefits to customers and competition, and costs to industry. As already discussed, ComReg considers the benefits of evaluating performance (implementation of the Charter requirements and the levels of customer service committed to and implemented by providers for their adequacy) are key to the effectiveness of the Charter. Reporting on actual performance will help ensure providers are accountable to their Charter commitments, and to give customers visibility which would help enable customers to make better, more informed choices and more effectively choose the provider who promises to deliver them the best overall service.
- 8.109 These benefits would likely be greater, and sustained, with option 3 compared to option 2. Under option 2 there is a likelihood that benefits would only be felt for the duration of the initial Charter, and that under subsequent Charters the issues noted with option 1 could arise. ComReg considers that requiring providers to get their performance reports independently audited brings additional benefits, in terms of giving customers confidence that they can trust reported data.
- 8.110 In terms of the costs of options 2 and 3, there may be two key elements to any costs – generating performance reports, and getting those reports independently audited. On the former, there would be an initial cost to set up a reporting process, that would be the same with option 2 or 3. Once that process is set up to enable automated reporting, the marginal cost of generating ongoing reports would likely be much lower, and so the costs of option 3 would not necessarily be substantially higher in that regard.
- 8.111 However, getting reports independently audited would likely incur a similar cost for each occasion the audit was required, as a provider would engage an external auditor. If regular auditing was required under option 3, the costs of this option would be higher than option 2, and would likely increase the more frequently audits were required.
- 8.112 Due to the benefits of the Charter being reliant on the transparency of actual performance in relation to charter commitments, we propose to adopt **option 3**. However, in considering options for proposed reporting and audit requirements, we have been mindful of weighing up any additional burden on providers versus the benefits to customers and competition.

*Frequency of ongoing provider reporting*

- 8.113 In general, the more frequently providers submit performance reports to ComReg,

the greater we expect potential benefits to customers and competition could be. More frequent reporting of actual performance would allow customers to see how their provider is performing against Charter commitments, thereby allowing them to assess how much they can trust Charter commitments to be an accurate reflection of actual customer service experiences.

8.114 More frequent reporting would likely also act as a stronger incentive for providers to deliver on their Charter commitments, as any poor performance would be more noticeable with a shorter reporting timeframe. It would also allow ComReg to observe any negative trends in customer service experiences closer to real time.

8.115 However, the more frequently providers are required to report, the greater the cost to them, predominantly in the time needed to verify reports and sign-off internally, given the generation of reports themselves should be able to be automated.

8.116 Weighing up the costs and benefits, ComReg proposes to adopt **sub-option 3d**, i.e., quarterly reporting. This option aligns with the period that Charters will cover, and is also consistent with existing universal service reporting requirements. We consider receiving reports on a quarterly basis (containing performance against Charter commitments for each month of the quarter) strikes an appropriate balance between delivering on the transparency objective for the Charter, while being mindful of the ongoing burden on providers.

#### *Independent audit of provider reporting*

8.117 ComReg considers that audit would play an important role in ensuring the accuracy of performance reports, both to support customer trust in reporting and to address the risk of any skewing of competition by incorrect reporting of performance. However, introducing audit requirements will impose an additional cost for industry, which is likely to be proportionate to the frequency with which audits are required.

8.118 With this in mind, we propose to adopt **option 3h**, i.e., to require performance reports to be audited once a year. We propose to require audited performance against Charters for the first quarter of Charters being in effect (Q4 2023) so our review of Charter effectiveness in phase 2 is based on accurate data. For subsequent years, providers would only need to arrange and pay for an independent audit of the Q4 performance report each year.

8.119 We consider that this proposal mitigates additional burden on providers while setting the incentives for accurate reporting, thereby ensuring customers can trust performance reporting.

8.120 We welcome views from stakeholders on the benefits and costs identified, including any evidence to support quantifying benefits and costs.

**Q. 20 Regulatory impact assessment:** Do you agree with ComReg's Regulatory Impact Assessment and the preliminary conclusions as set out? If yes, please explain why and, if no, please provide specific alternative suggestions particularly with respect to the benefits and costs identified, including any evidence to support quantifying such benefits and costs.

## 9 Next Steps

- 9.1 The deadline for receipt of submissions to this consultation paper is 5pm (Irish time) on 19 April 2023, during which time ComReg welcomes written responses on the questions posed in this consultation document.
- 9.2 Responses must be submitted in written form (post or email) to the following address/email and clearly marked "Submission to ComReg 23/14":
- Commission for Communications Regulation
- Retail Policy
- One Dockland Central,
- 1 Guild St.,
- North Dock,
- Dublin 1
- D01 E4XO
- Ireland
- Email: [RetailConsult@comreg.ie](mailto:RetailConsult@comreg.ie)
- 9.3 If interested parties require any clarification or have any questions on the consultation during the consultation period, please contact ComReg by email using the above address.
- 9.4 To promote further openness and transparency, ComReg will publish all respondents' submissions to this consultation, subject to the provisions of ComReg's Guidelines on the Treatment of Confidential Information – ComReg 05/24.
- 9.5 Respondents are requested to clearly identify confidential material and provide both a confidential and non-confidential version of their responses.
- 9.6 Respondents are also requested to provide any electronic submissions in an unprotected format so that they can be appended into ComReg's submissions document for electronic publication.
- 9.7 Once ComReg has considered the responses received to this consultation, ComReg will then issue its decision.

# Appendix 1: Draft Decision Instrument

## 1 STATUTORY FUNCTIONS AND POWERS

1.1 This Decision and Decision Instrument is made by the Commission for Communications Regulation (“ComReg”) established under section 6 of the Communications Regulation Act 2002 (“the Principal Act”), and is made:

- (i) Having regard to the functions and objectives of ComReg as set out in sections 10 and 12 of the Principal Act,
- (ii) Pursuant to the functions and powers conferred upon ComReg by section 38 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023,
- (iii) Pursuant to and having regard to Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018<sup>50</sup> establishing the European Electronic Communications Code (Recast),
- (iv) Having had regard to European Union (Electronic Communications Code) Regulations 2022 (“S.I. 444 of 2022”),
- (v) Having had regard to the views of interested parties and the submissions they made in response to ComReg Document No. 23/14, and
- (vi) Having had regard to the analysis and reasoning set out in ComReg Document No. 23/14.

## 2 DEFINITIONS

2.1 In this Decision Instrument, terms used are as defined in S.I. 444 of 2022 and the Communications Regulation Acts 2002 to 2023, unless the context otherwise admits.

2.2 References to European legislation, primary legislation or secondary legislation shall be construed as references to that legislation as amended from time to time.

2.3 Words in the singular form shall be construed to include the plural and vice versa, unless the context otherwise admits or requires.

2.4 A reference to a section, clause or schedule, is a reference to a section, clause or schedule of this Decision Instrument unless the context otherwise admits or requires.

2.5 In this Decision Instrument:

---

<sup>50</sup> OJ No. L 321, 17.12.2018, p. 36

“Audit Statement” means a written statement produced and signed by an independent auditor, which states the auditor’s findings in relation to the accuracy of the Performance Report;

“Calendar Quarter” means each period of three calendar months commencing on 1 January, 1 April, 1 July and 1 October of each year;

“Customer Charter” means the document prepared and published in accordance with section 5;

“Data Dictionary” means the Excel workbook titled ‘Schedule 3: Customer Charter Data Dictionary and Reporting Template’, published on ComReg’s website;

“Performance Report” means a report generated by the Relevant Service Provider in the ‘reporting template’ tab of the Data Dictionary, setting out the actual performance achieved by the Relevant Service Provider for a Calendar Quarter as against metrics A to E set out in that provider’s Customer Charter for that Calendar Quarter, where performance is calculated and expressed in accordance with the ‘Data Dictionary’ tab of the Data Dictionary;

“Relevant Service Provider” is a provider of Internet an Access Service and/or publicly available Number-Based Interpersonal Communications Service that has a market share of 0.50% or greater, as calculated in accordance with sections 4.2 and 4.3;

“Relevant Customer” means an End-User that is a Consumer, Microenterprise, Small Enterprise or Not-For-Profit Organisation, who or which is party to a contract with a Relevant Service Provider;

“Relevant Calendar Quarter” means the Calendar Quarter of the most recent ‘Quarterly Key Data Report’ published by ComReg;

“Service Provider” means a provider of an Internet Access Service, a publicly available Number-Based Interpersonal Communications Service, or both;

and

“Working Day” means a day which is not a Saturday, Sunday or public holiday.

### 3 SCOPE AND APPLICATION

3.1 The Decision Instrument applies to and is binding upon Service Providers and Relevant Service Providers.

3.2 A Service Provider shall:

- (i) within the first calendar month of each Calendar Quarter, calculate its market share as of the first Working Day of that Calendar Quarter, according to the formula in section 4.3,
- (ii) based upon the calculation referred to in clause (i), determine whether it is a Relevant Service Provider, and
- (iii) if it is a Relevant Service Provider, comply with the requirements imposed on Relevant Service Providers in sections 5, 6 and 7.

3.3 The market share of a Service Provider shall be calculated as follows, using data for the Relevant Calendar Quarter:

- (i) For providers of fixed Internet Access Services:
  - a. The total number of fixed broadband subscriber lines the provider reported to ComReg in the 'QKDR Fixed Broadband Retail Questionnaire'  
as a percentage of
  - b. The total number of fixed broadband subscriber lines across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg.
- (ii) For providers of mobile Internet Access Services:
  - a. The total number of dedicated mobile broadband subscriptions the provider reported to ComReg in the 'QKDR Mobile Questionnaire'  
as a percentage of
  - b. The total number of dedicated mobile broadband subscriptions across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg.
- (iii) For providers of fixed Number-Based Interpersonal Communications Services:
  - a. The total number of fixed voice subscriptions the provider reported to ComReg in the 'QKDR Fixed Questionnaire'  
as a percentage of

- b. The total number of fixed voice subscriptions across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg.
- (iv) For providers of mobile Number-Based Interpersonal Communications Services:
  - a. The total number of mobile subscriptions (excluding mobile broadband and machine to machine subscriptions) the provider reported to ComReg in the 'QKDR Mobile Questionnaire'  
  
as a percentage of
  - b. The total number of mobile subscriptions (excluding mobile broadband and machine to machine subscriptions) across the whole industry, as reported in the 'Quarterly Key Data Report' published by ComReg.

#### 4 PREPARATION AND PUBLICATION OF A CUSTOMER CHARTER

- 4.1 A Relevant Service Provider shall prepare a Customer Charter in accordance with:
- (i) The customer charter template set out in Schedule 1, and
  - (ii) The requirements specified in Schedules 2 and 3.
- 4.2 A Relevant Service Provider shall publish an initial Customer Charter, in accordance with this clause (an "initial Customer Charter"), on:
- (i) 2 October 2023, if it is a Relevant Service Provider on 3 July 2023, or
  - (ii) the first Working Day of the Calendar Quarter following the Calendar Quarter in which it first determines it is a Relevant Service Provider under section 4.2.
- 4.3 A Relevant Service Provider shall ensure that:
- (i) a Customer Charter includes information as required by Schedule 2 for a Relevant Customer,
  - (ii) its Customer Charter is published on its website, there is one-click access from the home webpage of a Relevant Service Provider's website to the Customer Charter, and the Customer Charter can be downloaded in a Durable Medium, and
  - (iii) a copy of the initial Customer Charter that it intends to publish in accordance with section 5.2 is sent to ComReg in its final form, at an email address specified by ComReg, on or before the date of its publication.
- 4.4 After the publication of the initial Customer Charter, a Relevant Service Provider may update its Customer Charter, but any update shall only be published, and shall only

become effective, on the first Working Day of a Calendar Quarter. Any updated Customer Charter shall comply with the requirements of sections 5.1 and 5.3.

## 5 NOTIFYING CUSTOMERS ABOUT A CUSTOMER CHARTER

- 5.1 A Relevant Service Provider shall ensure a Relevant Customer is made aware of the existence of its Customer Charter and how a copy of its Customer Charter can be obtained.
- 5.2 A Relevant Service Provider shall provide a copy of its Customer Charter in a Durable Medium to a Relevant Customer on request, within 48 hours of the receipt of the request.
- 5.3 A Relevant Service Provider shall ensure that its Customer Charter meets any Web Content Accessibility Guidelines standard as developed by the World Wide Web Consortium<sup>51</sup>, that it is in plain English and accessible for disabled End-Users and, if requested, made available in a reasonably accessible medium to a disabled End-User (to include but not limited to Braille).

## 6 MEASURING AND REPORTING ON PERFORMANCE AGAINST CUSTOMER CHARTER COMMITMENTS

- 6.1 After the publication of an initial Customer Charter, a Relevant Service Provider shall generate a Performance Report for each Calendar Quarter thereafter, and send the Performance Report to ComReg no later than two months from the end of that Calendar Quarter, to an email address specified by ComReg.
- 6.2 In respect of a Performance Report generated for the Calendar Quarter starting 1 October each year, a Relevant Service Provider shall arrange and pay for an independent audit of that Performance Report, and send the Audit Statement to ComReg at the same time as the Performance Report.
- 6.3 A Relevant Service Provider shall keep the underlying data used to generate a Performance Report for one calendar year from the date it submits that Performance Report to ComReg.

## 7 STATUTORY POWERS NOT AFFECTED

- 7.1 Nothing in this Decision Instrument shall operate to limit ComReg in the exercise and performance of its statutory powers or duties conferred on it under any primary or secondary legislation (in force prior to or after the Effective Date of this Decision Instrument) from time to time.

---

<sup>51</sup> The Web Content Accessibility Guidelines (WCAG) standard developed by W3C is available from the following link: <https://www.w3.org/WAI/standards-guidelines/> and listed in the Official Journal of the European Union.

## 8 MAINTENANCE OF OBLIGATIONS

- 8.1 If any section or clause contained in this Decision Instrument is found to be invalid or prohibited by the Constitution, by any other law or judged by a court to be unlawful, void or unenforceable, that section or clause shall, to the extent required, be severed from this Decision Instrument and rendered ineffective as far as possible without modifying the remaining section(s) or clause(s) of this Decision Instrument and shall not in any way affect the validity or enforcement of this Decision Instrument.

## 9 EFFECTIVE DATE AND DURATION

- 9.1 This Decision and Decision Instrument is fully effective from [...] June 2023, unless otherwise amended by ComReg.

# Schedule 1: Customer Charter Template

[Name of service(s)]

[Provider/provider logo]

[QQ-YYYY]

## Customer Charter

This Charter provides information on the level of customer service commit to provide to our customers. We are required to provide this Charter by the Commission for Communications Regulation (“ComReg”). For more information, including on what you can use the Charter for, [signpost to relevant ComReg webpage].

This Charter is also available in accessible formats. Please contact us to request a copy.

### How you can contact us

[...]

### How we will handle complaints

[...]

### Connecting a new service

[...]

### If you think you have been billed incorrectly

[...]

### If there is a service outage

[...]

### We may disconnect your service if you don't pay your bills

[...]

### Your rights if you switch provider

[...]

### *Any other information*

[...]

# Schedule 2: Requirements for Completing the Customer Charter Template

## Overview

This Schedule contains requirements on how a Relevant Service Provider shall fill in the Charter template. A Relevant Service Provider shall use the template set out in **Schedule 1** as the basis on which to provide their Charter, in accordance with the requirements specified in Schedules 2 and 3 of Appendix 1.

**Schedule 3** contains a Data Dictionary - an Excel workbook titled 'Schedule 3: Customer Charter Data Dictionary and Reporting Template' published on ComReg's website. 'This consists of number of tabs including:

- a 'Data Dictionary' tab (excel sheet no. 4) which sets out ComReg's proposed Charter metrics and how they would be defined and measured and which a Relevant Service Provider shall use when specifying Charter commitments (if any) and;
- a 'reporting template' tab of the Data Dictionary that a Relevant Service Provider shall use when reporting actual performance achieved as against Charter commitments offered (in respect of metrics A to E) each Calendar Quarter.

## Requirements for completing the Charter template

Requirements are:

1. Form including formatting
2. Information/content required to be included in the Charter
3. Parameters for measuring Charter commitments (if any)
4. Parameters for evaluating actual performance achieved as against Charter commitments offered

## Charter formatting requirements

As regards presentation of content, a Relevant Service Provider shall ensure that:

- The information in a Charter is presented in portrait format,
- The font type used is such that the text is easily readable,
- The font size is at least 10 points. In exceptional circumstances the font size may be reduced; but in such cases a possibility to enlarge the Charter by electronic means or, a Charter with a font size of at least 10 points must be provided upon request,

- The content of a Charter is easily readable with sufficient contrast between font and background, especially when using colours. Visuals shall not overlay text,
- Headings are clearly distinguishable from the text, and
- Language used in a Charter is easily readable and understandable for a Relevant Customer.

## Charter content requirements

The information required in a Charter shall follow the form of the Charter Template set out at Schedule 1, where:

- The headings in **bold type font** are mandatory. Relevant Service Providers shall replace the square brackets under these headings with the required information, according to requirements in Schedule 2 and 3.
- The headings in *italic type font* are not mandatory. In cases where no other information is provided, the section “Any other information” shall be deleted or indicated as not applicable.

Within each section (heading in bold type font) of the Charter, the required information that a Relevant Service Provider shall include are:

1. **General information about a Relevant Service Provider’s policies/ procedures in that area:**

The requirements set out the information a Relevant Service Provider shall include in these sections at a high level. A Relevant Service Provider may tailor this information, and use its own wording, to describe its own practices.

2. **Specific provider-set commitments in that area:**

A Relevant Service Provider can choose to either make a specific commitment under a section/heading in the Template, or not to. A Relevant Service Provider shall include the relevant words included in speech marks, in the Charter verbatim. These words shall not be altered, other than replacing square brackets with the required information (as indicated in the square brackets).

Where a Relevant Service Provider does choose to make a specific commitment, it shall express commitments (and measure the performance against those commitments expressed), in accordance with the requirements within the ‘Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1.

## Introductory section

The service or brand name of the Electronic Communications Service(s) offered shall be immediately above the title “Customer Charter”. The name of the Relevant Service Provider shall immediately follow the service or brand name of the Electronic

Communications Service(s). The Relevant Service Provider may insert its logo to the right of the title “Customer Charter”.

The Charter shall be dated in the format QQ-YYYY, with the relevant quarter and year applicable to the Charter version.

The five introductory sentences form an integral part of the Charter and shall not be altered, other than to replace square brackets with relevant information as indicated.

## “How you can contact us” section

### Information around core customer service

In this section, a Relevant Service Provider shall include information around:

- How a Relevant Customer can contact the provider, including how to access channels (e.g., provision of phone number, email address, web link etc as applicable), when channels are available (if applicable, e.g., call centre opening hours) and any conditions applying to channels (if applicable, e.g., if they only apply to certain groups of Relevant Customers), and
- How a Relevant Customer can escalate a query to the complaint handling process.

This section may include any other relevant information about a Relevant Service Provider’s customer service.

### Specific commitments around core customer service

Where a Relevant Service Provider offers a **phone** channel of contact, it shall specify either:

- a) “When you phone us, we will answer your call within [A1]. [What a customer can get, if anything, if they do not receive this level of service.]”
- or
- b) “We do not commit to any specific call answering times.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric A1, measured in seconds, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

Where a Relevant Service Provider offers an **email** channel of contact, it shall specify either:

a) When you contact us by email, we will reply to your email with an answer tailored to your question (not an automated reply) within [A2]. [What a customer can get, if anything, if they do not receive this level of service.]”

or

b) “We do not commit to any specific email response times.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric A2, measured in clock hours, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

Where a Relevant Service Provider offers a **web form** channel of contact, it shall specify either:

a) “When you contact us by web form, we will reply to your message with an answer tailored to your question (not an automated reply) within [A3]. [What a customer can get, if anything, if they do not receive this level of service.]”

or

b) “We do not commit to any specific web form response times.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric A3, measured in clock hours, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

Where a Relevant Service Provider offers a **web chat** channel of contact, it shall specify either:

a) “When you contact us by web chat, we will start a conversation within [A4]. [What a customer can get, if anything, if they do not receive this level of service.]”

or

b) “We do not commit to any specific web chat response times.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric A4, measured in minutes, in accordance with the 'Data Dictionary' tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template' at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

Where a Relevant Service Provider offers a **post** channel of contact, it shall specify either:

- a) "When you contact us by post, we will reply to your letter within [A5]. [What a customer can get, if anything, if they do not receive this level of service.]"
- or
- b) "We do not commit to any specific post response times."

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric A5, measured in clock hours, in accordance with the 'Data Dictionary' tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template' at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

For **all channels of contact** (including in-person), a Relevant Service Provider shall specify either:

- a) If we cannot resolve your query at the time you first contact us, we commit to provide a response in the following [A6]. [What a customer can get, if anything, if they do not receive this level of service.]"
- or
- b) "If we cannot resolve your query at the time you first contact us, we do not commit to any specific follow-up response time."

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric A6, measured in clock hours, in accordance with the 'Data Dictionary' tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template' at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

## “How we will handle complaints” section

In this section, a Relevant Service Provider shall include the following sentence: “We will handle any complaints in accordance with our code of practice for complaints handling which you can access by [...].”

The square brackets shall be replaced by information on how a Relevant Customer can access the Relevant Service Provider’s complaint handling code of practice, which may include a web link.

No other information shall be included under this heading.

## “Connecting a new service” section

### Information around connections

Where applicable to the service a Relevant Service Provider offers, in this section a Relevant Service Provider shall include information around:

- Connecting new services to the network, both when there is an existing connection in situ and when there is not, including how providers will keep customers updated on the progress of their connection request,
- Service and installation appointments, including what happens if an appointment is delayed or missed, and
- What happens if a Relevant Customer’s connection service request cannot be fulfilled.

This section may include any other relevant information about connecting a new property and/or service, for example any key information about the rollout of fibre networks.

### Specific commitments around connections

Where applicable to the service a Relevant Service Provider offers, a Relevant Service Provider shall specify either:

- a) “If you request a new service at a premises, and there is an existing connection that can support that service without a technician visit being required, we will activate your new service within [B1]. [What a customer can get, if anything, if they do not receive this level of service.]”

or

- b) “We do not commit to any specific time frames for connecting new services to a premises when there is an existing connection that can support that service without being modified.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric B1, measured in elapsed days, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the

Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and

- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

Where applicable to the service a Relevant Service Provider offers, a Relevant Service Provider shall specify either:

- a) “If you request a new service at a premises, and there is not an existing connection that can support that service, there may be several steps involved before your new service can be activated. We commit to acknowledge your service order request, confirm whether the order can be processed at this time or not and, if it can, agree a date for an initial appointment to provision the service, within [B2] from when we receive your service order request. [What a customer can get, if anything, if they do not receive this level of service.]”

or

- b) “We do not commit to any specific time frames for connecting new services to the network when there is not an existing connection that can support that service.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric B2, measured in clock hours, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

## **“If you think you have been billed incorrectly” section**

### **Information around billing and charges**

In this section, a Relevant Service Provider shall include information around:

- How a Relevant Customer can raise a query around billing or charges (including pay-as-you-go top-ups, as applicable) with their provider,
- How Relevant Service Provider will address queries around billing and/or charges, and
- Providing refunds where a bill and/or charge is found to have been incorrect.

This section may include any other relevant information about how a Relevant Customer can avoid bill shock or what a Relevant Customer should do if they think they have been billed or charged incorrectly.

### Specific commitments around billing and charges

A Relevant Service Provider shall specify either:

a) “If you raise a query around your bill or any charges, we will review your query and respond to you within [C1] from when we receive your request. [What a customer can get, if anything, if they do not receive this level of service.]”

or

b) “If you raise a query around your bill or any charges, we do not commit to any specific response time for reviewing and responding to your query.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric C1, measured in clock hours, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

A Relevant Service Provider shall specify either:

a) “Where a refund is due, we will process this within [C2] from the day we determine you are owed a refund. This does not affect your statutory rights. [What a customer can get, if anything, if they do not receive this level of service.]”

or

b) “We do not commit to any specific time for processing a refund where one is due. This does not affect your statutory rights.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric C2, measured in working days, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

## **“If there is a service outage” section**

### **Information around outages**

Where applicable to the service a Relevant Service Provider offers, in this section a Relevant Service Provider shall include information around:

- How a Relevant Customer can report a service issue to the provider, including how to access channels and when channels are available, and
- How the provider will notify Relevant Customers in the event of a planned and/or unplanned service outage, and keep Relevant Customers updated on an estimated restoration time.

This section may include any other relevant information about addressing individual customer-level issues with service and/or wider service outages.

### **Specific commitments around outages**

#### *Planned service outages*

A Relevant Service Provider shall specify either:

- a) “If work is planned on the network that is likely to affect the availability of services for more than 1% of the national user base, we will make information on the planned outage available to customers [via channel] with a minimum of [D1] notice before the work takes place. [What a customer can get, if anything, if they do not receive this level of service.]”

or

- b) “We do not commit to providing information to customers within a minimum notification period before planned service outages occur.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with the channel via which the Relevant Service Provider commits to provide notification about planned service outages,
- The second square brackets in (a) shall be replaced with metric D1, measured in elapsed days, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The third square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

#### *Unplanned service outages*

A Relevant Service Provider shall specify either:

a) “If there is an issue affecting availability of services for more than 1% of the national user base, we will make information on the issue (including an estimated service restoration time) available to customers [via channel] within [D2] of us becoming aware of the issue. [What a customer can get, if anything, if they do not receive this level of service.]”

or

b) “We do not commit to a specific time frame for providing information to customers if there is an unplanned service outage.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with the channel via which the Relevant Service Provider commits to provide information about unplanned service outages,
- The second square brackets in (a) shall be replaced with metric D2, measured in clock hours, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The third square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

## **“We may disconnect your service if you don’t pay your bills” section**

### **Information around disconnection**

In this section, a Relevant Service Provider shall include information around:

- Support offered for Relevant Customers having difficulty paying their bills, where applicable,
- When and how a Relevant Service Provider would restrict service and/or disconnect Relevant Customers in case of non-payment of bills (including how a Relevant Customer would be notified), and
- How a Relevant Customer that has been disconnected for non-payment of bills can get their service reconnected, including any fees this will incur and how long reconnection will take.

This section may include any other relevant information about a Relevant Service Provider’s disconnection policy, or what a Relevant Customer can do if they are having difficulty paying their bills.

### Specific commitments around disconnection

A Relevant Service Provider shall specify either:

- a) “If we are going to disconnect your service due to non-payment of bills, we will give you a minimum of [E1] notice before doing so. [What a customer can get, if anything, if they do not receive this level of service.]”  
or
- b) “We do not commit to providing a minimum notification period before disconnecting your service for non-payment of bills.”

If the Relevant Service Provider chooses to specify a commitment in line with (a):

- The first square brackets in (a) shall be replaced with metric E1, measured in seconds, in accordance with the ‘Data Dictionary’ tab (excel sheet no. 4) of the Customer Charter Data Dictionary and Reporting Template’ at Schedule 3 of Appendix 1, and
- The second square brackets in (a) shall be replaced with details of any compensation or similar available if a Relevant Customer does not receive the level of service committed to, or shall otherwise be deleted.

### “Your rights if you switch provider” section

#### Information around switching

This section shall include information around:

- Key rights a Relevant Customer has around switching, including from Article 106 of the Code,
- Returning terminal equipment (for internet access services), and
- Unlocking handsets, including any payment of residual fees and timelines for unlocking handsets (for mobile services).

This section may include any other relevant information about switching.

### “Any other information” section

This section may include any other key information about a Relevant Service Provider’s customer service.

# **Schedule 3: Customer Charter Data Dictionary and Reporting Template**

'Schedule 3: Customer Charter Data Dictionary and Reporting Template' is published in an Excel workbook alongside this consultation.

## Appendix 2: Customer Charter Consumer Survey Results

'Appendix 2: Customer Charter Consumer Survey Results' is published as a presentation in Portable Document Format (PDF) alongside this consultation.

# Appendix 3: List of Consultation Questions

Section	Page
Q. 1 <b>Introducing Charter requirements:</b> Do you agree with the proposal that ComReg should introduce requirements for providers of IAS and ICS to prepare, publish and keep updated a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions. ....	20
Q. 2 <b>Overarching approach to introducing a Charter:</b> Do you agree with the proposal that the Charter will contain provider-set commitments, with ComReg to monitor and evaluate implementation of the Charter requirements and the levels of customer service committed to and implemented by providers for their adequacy before deciding whether to seek to move to the specification of Minimum Quality of Service Standards, and/or seek to require any Minimum Quality of Service Standards information is included in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions. ....	23
Q. 3 <b>Providers that Charter requirements will apply to:</b> Do you agree with the proposal that Charter requirements will apply to providers of IAS and/or number-based interpersonal communications services with a market share of 0.5% or greater? If yes, please explain why and, if no, please provide specific alternative suggestions. ....	28
Q. 4 <b>End-users that a Charter will address:</b> Do you agree with the proposal that providers will be required to prepare, publish and keep updated a Charter that address all consumers, microenterprises, small enterprises and not-for-profit organisations? If yes, please explain why and, if no, please provide specific alternative suggestions. ....	29
Q. 5 <b>High-level Charter contents:</b> Do you agree with the proposal that a Charter will contain both general information on providers' customer service policies, and specific commitments as to the level of customer service an individual customer can expect to receive in a given period? If yes, please explain why and, if no, please provide specific alternative suggestions. ....	31
Q. 6 <b>Overarching Charter form:</b> Do you agree with the proposal that providers must prepare, publish and keep updated a Charter in accordance with a ComReg-specified template? If yes, please explain why and, if no, please provide specific alternative suggestions. ....	32

- Q. 7 **Charter template:** Do you agree with the proposed form requirements for completing a Charter template? If yes, please explain why and, if no, please provide specific alternative suggestions. ....35
- Q. 8 **Publishing and updating a Charter:** Do you agree with the proposal that providers publish an initial Charter on their website on 2 October 2023, containing monthly Charter commitments, and are allowed to update the Charter each quarter thereafter? If yes, please explain why and, if no, please provide specific alternative suggestions. ....37
- Q. 9 **Notifying customers:** Do you agree with the proposal that providers be required to ensure all customers are made aware of the Charter, and otherwise ensure the Charter is available on request and in accessible format? If yes, please explain why and, if no, please provide specific alternative suggestions. ....38
- Q. 10 **Charter content (core customer service):** Do you agree with the proposed Charter content and the form in which commitments around core customer service, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions. ....43
- Q. 11 **Charter content (complaint handling):** Do you agree with the proposed Charter content around complaint handling? If yes, please explain why and, if no, please provide specific alternative suggestions. ....43
- Q. 12 **Charter content (connections):** Do you agree with the proposed Charter content and the form in which commitments around connections, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions. ....46
- Q. 13 **Charter content (billing and refunds):** Do you agree with the proposed Charter content and the form in which commitments around billing and refunds, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions. ....47
- Q. 14 **Charter content (outages and repairs):** Do you agree with the proposed Charter content and the form in which commitments around outages and repairs, are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions. ....49
- Q. 15 **Charter content (disconnection policy):** Do you agree with the proposed Charter content and the form in which commitments around disconnection for non-payment of bills are to be expressed in a Charter? If yes, please explain why and, if no, please provide specific alternative suggestions. .50

- Q. 16 **Charter content (switching services):** Do you agree with the proposed Charter content around switching services? If yes, please explain why and, if no, please provide specific alternative suggestions. ....51
- Q. 17 **Charter content (other):** Are there any other areas and/or content you think should be included in a Charter? If yes, please explain and provide specific suggestions. ....51
- Q. 18 **Evaluating performance:** Do you agree with the proposal that providers report their performance against Charter commitments to ComReg on a quarterly basis, and arrange and pay for an independent audit of performance reports on an annual basis? If yes, please explain why and, if no, please provide specific alternative suggestions. ....55
- Q. 19 **Performance reporting:** If you have any specific comments on 'Schedule 3: Customer Charter Data Dictionary and Reporting Template' published alongside this consultation (summarised in Table 2), please provide these in response to this question. ....56
- Q. 20 **Regulatory impact assessment:** Do you agree with ComReg's Regulatory Impact Assessment and the preliminary conclusions as set out? If yes, please explain why and, if no, please provide specific alternative suggestions particularly with respect to the benefits and costs identified, including any evidence to support quantifying such benefits and costs. ....102